

JUNE 3, 1994

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TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA
ROOM 204
JUNE 7, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 ACTON WINE AND SPIRIT CO. D/B/A LIQUOR OUTLET - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - Enclosed please find staff comment regarding this Site Plan filed by Savory Lane for Board action.
3. 8:05 WEST ACTON VILLAGE PLAN - Enclosed please find staff comment regarding the West Acton Plan for Board discussion.
4. 8:30 ALL ALCOHOLIC BEVERAGE PACKAGE STORE LICENSE - ACTON BEVERAGE INC. 133 Great Road - Enclosed please find a request for transfer of license from Notar's Market to Acton Beverage Co. as well as request for transfer of location from 391 Mass Ave. to 133 Great Road for Board action.
5. 9:00 GOLDEN BULL RESTAURANT - Liquor license violation review.
6. 9:15 SCHOOL EARLY RETIREMENT INCENTIVE (ERI) - Enclosed please find additional materials and the Town Manager's comments for the Board's consideration. Any vote of the board must be made by June 10.

III. SELECTMEN'S BUSINESS

7. New View Neighborhood Development Corp. - Enclosed please find a request from New View to waive a second PCRC Application Fee for Board review.
8. GIRL SCOUTS OF AMERICA - Enclosed please find an invitation from Troop #2001 to attend the Court of Honor being given for Clare Murray and Kirsten Peterson on June 17, 1994 for Selectman assignment.

9. SIGN REQUEST - Enclosed please find a request to post signs on Town property throughout town in conjunction with the Annual Book Sale. Staff comment has been attached for your review.
10. SIGN REQUEST - Enclosed please find a request to post signs on Town Property from the Acton Children's Playground Committee. Staff comment has been attached for your review.
11. ARTS COUNCIL APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Susan Richmond as a full-member of the Arts Council with term to expire 6/30/95 for Board action.
12. CABLE ADVISORY APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Henry Hogan to fill an unexpired term as a full-member of the Cable Advisory Committee with term to expire 6/30/96 for Board action.

IV. CONSENT AGENDA

13. SURPLUS EQUIPMENT - Enclosed please find a request from staff to declare the old voting equipment surplus for Board action.
14. JUNK CAR VIOLATION - Enclosed please find information and a letter for Board signature regarding a Junk Car violation at 28 Willow Street.
15. PROPOSED TIP AMENDMENT - Enclosed please find a copy of a letter drafted by staff for Board approval and Chairman's signature.
16. ACTON HOUSING AUTHORITY - Enclosed please find a copy of an amended filing required by HUD for Board signature. Original copies will be in the signature file on Tuesday.
17. ACCEPT GIFT - Enclosed please find copy of a check to be accepted and applied to the Civil Defense Agency account for Board action.
18. RULES AND REGULATIONS FOR USE OF TOWN LAND - Enclosed please find materials and comment from staff for your approval.

V. TOWN MANAGER'S REPORT

19. TRANSFER STATION FEE SCHEDULE - Enclosed please find staff comment regarding Transfer Station Fee Schedule for FY95 for Board review.
20. KELLEY'S CORNER CDC (Concentrated Development Center) - Enclosed please find staff memo for Board review. Staff will discuss this with the Board on Tuesday evening.

21. Year End Budget Status Report - Enclosed please find the Manager's projected Year End Budget Report and recommendations for Board action.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

June 21 - Crossroads Violation review
Savory Lane - Possible Site Plan Continuation
Atlantic Grill Violation review
David Brown - Interview Full-member Bd of Assessors
July 12 - Papa Gino's Violation review
July 26 -

6/7/94 - ①

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

May 12, 1994

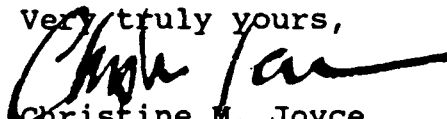
Liquor Outlet
Stephen Zeitler
Massachusetts Ave.
Acton, MA 01720

RE: CHANGE OF HEARING DATE

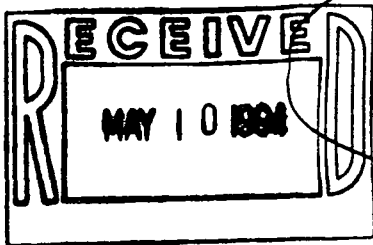
Dear Mr. Zeitler:

Due to a scheduling conflict the Board of Selectmen have cancelled their meeting originally posted for May 31st. I have re-scheduled your appearance before the Board from May 31, 1994 at 7:45 to June 7, 1994 at 7:45 P.M. Please call my office at 264-9612 to confirm your ability to attend this re-scheduled appointment.

Very truly yours,


Christine M. Joyce
Town Manager's Office

cc: FILE



CHRIS - PLS. RESCHEDULE APPOINTMENT
PER SELECTMEN'S REVISED SCHED.
& NOTIFY MR. ZEITLER.

cc/BOS

Stephen P. Zeitler, President
Liquor Outlet, Inc.
dba Acton Wine & Spirit Co.
580 Massachusetts Ave.
W. Acton, MA 01720

May 10, 1994

Norman Lake, Chairman
Board of Selectmen
Town of Acton
472 Main Street
Acton, MA 01720

Dear Sir:

I am in receipt of your letter and notice of hearing dated April 29, 1994. I deeply regret that AWS was one of those establishments found to have sold to a minor person during that operation.

While this issue has long been one of great concern to me, we had, in fact, taken recent steps to further impress upon our staff the importance of care in this regard. Enclosed please find a notice to my staff, posted some weeks ago, in response to an article in the Middlesex News (April 6, 1994). We have always had a strict policy in regard to checking identification, but we have now embarked on a diligent course of retraining our staff and impressing upon them not only the importance of checking, but also the consequences of not checking.

In the instance which occurred on December 30, it was our newest employee who made the error. Although he had received some instruction in-house, he had not yet attended the annual TAM course, as it had been held before he came on staff. He was deceived by the well-dressed young woman, who appeared older and poised, and asked knowledgeably about fine wines. In fact, she spent over ten dollars for the bottle she ultimately bought. In his limited experience, this was generally representative of a more mature shopper. The underage shopper more typically comes in to purchase beer, and often appears uncomfortable when he approaches the register. This does not excuse the lapse of an inexperienced cashier, but does, perhaps, help to explain it. Needless to say, he and the rest of the staff learned a hard lesson, one which I do not expect to see repeated by anyone.

I am grateful for the opportunity to meet with you on May 31, 1994, to discuss with you this very serious issue, and to advise you further of steps we have taken in order to ensure that this unfortunate situation will not recur. I firmly believe, along with you, that underage drinking is a grave problem, and one which requires our combined and cooperative efforts to combat.

Should you have any questions or require any further information from me in the interim, please do not hesitate to contact me. Thanking you in advance for your assistance in this matter, I remain

Respectfully yours,

A handwritten signature in cursive script, reading "Stephen P. Zeitler". The signature is fluid and elegant, with a prominent initial 'S'.

Stephen P. Zeitler, President
Acton Wine & Spirit Company

Enc.

4/94

TO ALL STAFF:

Please read the attached article from the Middlesex News (April 6, 1994). It is scary to see how easy it is to become lazy about ID checking, and how very easy it is to get caught. More and more local police departments are watching for just such an incident.

We are taking a tough stand on this issue. Effective immediately, you must get even more strict on your checking of licenses. If there is ANY question whatsoever of age, DON'T BE LAZY -- CHECK! Any but the most obvious of age categories MUST BE CONFIRMED. Customers who have been checked on previous occasions in the store MUST be carrying their IDs at the time of any repeat sale. It is your job to ask them --

NO ID, NO SALE!

We will accept only MASS DRIVER'S LICENSES as proof of age. The law states that "if you sell to a minor with a valid Mass. license that you reasonably relied upon as proof of age, you will not be penalized".

*On an exceptional basis, we will take out of state IDs ONLY IF the ID has been checked in our Out of State ID Guide AND APPROVED BY THE MANAGER ON THAT SHIFT.

I plan on having my own "sting" operation done on our stores, and I intend to make a much heavier use of the cameras, in order to see that everyone is in compliance. Anyone not following policy WILL BE TERMINATED! I need to take a hard line on this issue -- it means staying in business, as well as maintaining a safer community in the process.



Stephen P. Zeitler
President

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Liquor purchase by minor female

DATE: December 30, 1993

D/B/a Liquor outlet

On Thursday, December 30, 1993 along with Kristin Dineen, age 20 we completed a survey of the stores licenced to sell alcohol in Acton. Ms Dineen was denied sales at the Last National Wine Company, Notars, and Colonial Spirits. She was ~~sold a bottle of Caymus Sauvignon wine at the Acton Wine and Spirits Store~~, Rt 111 in West Acton. The clerk that sold the wine was Kevin Davis, Age 22 and the manager, Ken Kirk was notified that at about 1:45 PM on this date the sale was made. Said wine was booked into evidence under 19315228. Please see below Kristen Dineen's report.

I, Kristen Dineen was contacted by LT. McNiff in assisting him in trying to purchase alcohol at local Acton liquor stores. On Thursday, December 30, 1993 I failed at purchasing liquor at the first store, but was able to purchase a bottle of white wine at the second store. I purchased the wine from a young gentleman with brown/black hair and around five feet eight. At this time the gentleman never asked for any form of identification. At the other stores I was not able to purchase.

6/7/94-3

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: May 27, 1994

TO: Building Commissioner
Chief of Police
Highway Superintendent
Engineering Administrator
Conservation Administrator
Health Director
Municipal Properties Director
Historic District Commission

FROM: Don P. Johnson, Town Manager

SUBJECT: West Acton Village Plan Implementation

The attached IDC from the Planning Board to the Board of Selectmen is self-explanatory. You will note that the Planning Board is seeking direction from the Selectmen before they distribute this document (by June 30).

This subject will be on the Selectmen's agenda for discussion at their June 7 meeting. In order for the Selectmen to be fully informed for their discussion, I would ask that you provide comments relative to your area(s) of concern. Your written comments will need to be in the Manager's office by 5:00 PM on Thursday, June 3, in order to be included in the Selectmen's weekend packet.

cc: Board of Selectmen

NOTE TO BOS:

6/3

COMMENTS FROM DEPTS. ARE
ATTACHED. YOU WILL NOTE THAT
NOT ALL DEPTS. HAD COMMENT.

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

5/24/94

TO: Board of Selectmen
FROM: Planning Board
SUBJECT: West Acton Village Plan Implementation

With the completion of the West Acton Village Plan and the adoption by Town Meeting of the zoning articles from the Implementation section of the Village Plan, the West Acton Village Planning Committee considers its charge to be complete. The Planning Board voted at its meeting of May 23, 1994 to dissolve the West Acton Village Planning Committee.

To facilitate the implementation of the West Acton Village Plan and keep the West Acton Village Plan (addendum to the Acton Master Plan) a living document, the Planning Board recommends distribution of the Action Recommendations to the appropriate town boards, commissions and committees for implementation. We would like to distribute this document by June 30, 1994. If we haven't heard from you by this date, we will assume that you are in agreement with this draft.

The following Action Recommendations have been grouped according to the boards, committees, commissions or departments most likely to be responsible for implementation; those identified as "high priority" in the Village Plan have been so noted.

Board of Selectmen, Planning Board, Building & Planning Depts.

- High Priority* Encourage off-street walkway connections between buildings in West Acton Village for improved pedestrian circulation and to encourage one-stop shopping.
- High Priority* Require landscaping and adequate, accessible parking in the rear of all new commercial developments.
- High Priority* Encourage off-street driveway connections between off-street parking lots in West Acton Village for improved vehicle circulation off of the public ways.
- High Priority* Establish criteria through Zoning and Site Plan Regulations for the siting of new construction and the alteration of existing buildings and structures to protect West Acton's village character.
- High Priority* Investigate the possibility of utilizing grant monies available from state and federal agencies and research other economic development programs that will help small

shopkeepers stay in the Village where they add life to the street, provide convenient and economical services, and remain neighbors and members of the village in ways that large businesses cannot.

High Priority Limit and discourage development of commercial uses in strip malls that create congestion and are not compatible with the Village environment.

High Priority Encourage developers of vacant parcels of land surrounding West Acton Village to use cluster methods of development.

High Priority Adopt impact fee regulations to fund off-site infrastructure improvements necessitated by increased development such as contributions to parking solutions and increased public safety personnel and equipment.

Investigate the feasibility of shuttle bus to the South Acton train stop and public parking lots/facilities.

Reinstate the West Acton Village MBTA train stop in a location that can accommodate parking and will not block traffic on Massachusetts Avenue.

Encourage the development of a pedestrian pathway from Massachusetts Avenue to Arlington Street.

Encourage site alterations at the West Acton Post Office to provide additional parking, and consider designating on-street parking in safe locations for post office use only.

Board of Selectmen, Police, Highway & Engineering Depts.

High Priority Reduce the speed limit to 25 mph for north, south and eastbound motorists entering the Village and post signs in appropriate locations.

High Priority Enforce no-parking restrictions at intersections and along the north side of Arlington Street from Spruce Street to Central Street. If parking at intersections remains a problem, extend sidewalks to provide a neck-down (narrowing of pavement) and to improve sight distance.

High Priority Enforce parking regulations to ensure safe vehicle movements at the intersections in West Acton Village.

High Priority Enforce one hour parking regulations along Massachusetts Avenue.

High Priority Provide clear speed control signage and consistent enforcement thereof.

High Priority Utilize mirrors or other safety devices for intersections where there are inadequate sight distances; particularly at the corner of Mead Terrace and Massachusetts Avenue.

- High Priority* Install village entry signs at key points in West Acton Village (Route 111/Central Street).
- High Priority* Limit street curb cuts for driveways and make their boundaries clear so pedestrians know where they are safe and where to be careful and narrow the existing wide curb cuts.
- High Priority* Reconstruct existing sidewalks along both sides of Spruce Street from Massachusetts Avenue to Arlington Street to prevent cars from parking over the sidewalks. Add a new segment of sidewalk along the frontage of parcel 70 on Map F-2A. Construct new sidewalks using concrete paving material and granite curbs.
- High Priority* Maintain pavement markings for crosswalks by semi-annual repainting or through the use of thermoplastic marking material. Stripe on-street parking spaces annually.
- High Priority* Add new crosswalks at the following locations: across Central Street from Arlington Street; across Massachusetts Avenue at Arlington Street; and across Arlington Street at Spruce Street.
- High Priority* Replace the present crosswalk across Massachusetts Avenue from Windsor Avenue with a new crosswalk across Massachusetts Avenue from the west side of Windsor Avenue.
- High Priority* Amend the Acton Sidewalk Master Plan to provide adequate pedestrian safety within West Acton Village by adding sidewalks along the south side of Arlington St. (between Spruce St. and Central St.), along both sides of Windsor Ave., along both sides of Spruce St. from Massachusetts Ave. to Gates School, along the north side of Arlington St. (between Central St. and Massachusetts Ave.), along Central St. from Massachusetts Ave. to Elm St., and the north side of Massachusetts Ave. from the intersection at Central St. to the intersection at Wright Terrace.
- High Priority* Adjust the Acton Sidewalk Master Plan as needed to provide for construction of sidewalks along roadways leading into West Acton Village such as along Arlington St. from Summer St., extend sidewalks south on Central St. and Windsor Ave.
- High Priority* Create safer street-crossings for pedestrians by extending sidewalks into the parallel parking lane at crossing locations along Massachusetts Avenue.
- Review the street layouts, such as Central Street, within West Acton Village to determine whether it is possible to create a row of angle on-street parking spaces rather than parallel parking spaces within the West Acton Village business center to accommodate more cars for use by patrons of the merchants

and public buildings in the Village.

For better separation of pedestrian ways, as sidewalk repairs are made, replace all bituminous concrete sidewalks and cape cod berms with concrete sidewalks and vertical granite curbing within West Acton Village. Construct all new sidewalks using concrete for the walkways and vertical granite curbing for pedestrian safety and preservation of village character.

Install pedestrian crossing signs at all crosswalks within the Village.

Board of Selectmen, Conservation Commission, Conservation & Highway Depts.

- High Priority* Restrict the application of road salt in environmentally sensitive areas (roadway segments that are adjacent to brooks and wetlands) to only intersections and hills.
- High Priority* Formalize the brook crossing between the Gates School and Douglas School; construct a paved pathway for pedestrians and bicyclists from Spruce St. to Elm St.

Board of Selectmen, Board of Health, Health & Planning Depts.

- High Priority* Provide alternatives to subsurface sewage disposal such as tertiary treatment or other emerging technologies that will better protect the groundwater resources.
- High Priority* Encourage installation of sewage treatment facilities in all new construction of commercial and residential developments in and around West Acton Village.
- High Priority* To ensure the continued vitality of West Acton Village and to allow growth to occur, provide alternatives to subsurface sewage disposal such as tertiary treatment facilities through the use of one of more of the following: sewer districts; betterments; and impact fees.
- High Priority* Encourage the construction of one or more sewage treatment facilities to serve the West Acton Village area on the following public and privately owned parcels of land identified by their Town of Acton Atlas Map and Parcel numbers: E2, 247; F2A, 1-1; F2A, 2; F2A, 2-1; F2A, 1; F2A, 140; F2A, 16-1; F2A, 51; F2A, 72; F2B, 1; F2B, 31-2; F2B, 31; F2B, 31-10; F2B, 14; F2B, 17; F2B, 25; F2B, 79; F2B, 87; F2B, 87-1; and F2B, 41.
- High Priority* To ensure the continued vitality of West Acton Village and to allow growth to occur, provide alternatives to subsurface sewage disposal such as tertiary treatment facilities through the use of one of more of the following: sewer districts; betterments; and impact fees.

High Priority Encourage the construction of one or more sewage treatment facilities to serve the West Acton Village area on the following public and privately owned parcels of land identified by their Town of Acton Atlas Map and Parcel numbers: E2, 247; F2A, 1-1; F2A, 2; F2A, 2-1; F2A, 1; F2A, 140; F2A, 16-1; F2A, 51; F2A, 72; F2B, 1; F2B, 31-2; F2B, 31; F2B, 31-10; F2B, 14; F2B, 17; F2B, 25; F2B, 79; F2B, 87; F2B, 87-1; and F2B, 41.

High Priority Construct sewage treatment facilities to serve areas where on-site replacement of septic systems is not feasible through the use of one or more of the following: sewer districts, betterments, and impact fees.

Board of Selectmen, Municipal Properties

High Priority Coordinate volunteer efforts and Town resources/equipment for renovation of Gardner Field to eliminate the feeling of isolation by performing the following tasks: replace the portion of the chain-link fence facing and parallel to Massachusetts Avenue; expand Gardner Field to the full size of the parcel and provide a separation of space for the ball field and the playground equipment; create a social area in front of the fenced playground/ball field and install picnic tables and park benches in this area; prune the heavy canopy of trees to the rear of the field to allow sunlight; and repair and replace outdated playground equipment.

High Priority Create a green belt along Fort Pond Brook as recommended in the Town of Acton Open Space and Recreation Plan.

High Priority Facilitate the joint effort of Town personnel and community volunteers to beautify West Acton Village.

Accommodate pedestrians with landscaping such as street trees to provide shade and beauty, and street furnishings such as benches and trash containers for convenience and comfort.

Coordinate volunteer efforts and Town resources/equipment to better utilize existing open space and to keep the Fort Pond Brook area clean.

Encourage activity in the Village through both public programs and private efforts: book fairs, special events, sidewalk sales, exhibits and artists' corners.

Historic District Commission, Historical Commission

High Priority Expand the West Acton Local Historic District to include: Spruce Street from Massachusetts Avenue to the Gates School parcel; Central Street north of Massachusetts Avenue to and including the Ice House parcel (F2A, 2-1); Central Street south of Massachusetts Avenue to Summer Street; Mead Terrace; and

other buildings of historic significance within West Acton Village.

High Priority Encourage the preservation or adaptive reuse of existing older buildings in West Acton Village that will accommodate "village scale" businesses.

Encourage the adaption of historic buildings for re-use whenever possible.

Encourage the use of plaques that name buildings or discuss historic events within the Village.

West Acton Residents

The West Acton Village Planning Committee also recommended the formation of a West Acton advocacy group to address the following Objective.

Objective: Encourage volunteer efforts to promote a sense of village community and to foster awareness of village character.

This committee should be a neighborhood organization, separate from the Town of Acton, which can assist the Town with the implementation of the following Action Recommendations.

High Priority Coordinate volunteer efforts and Town resources/equipment for renovation of Gardner Field to eliminate the feeling of isolation by performing the following tasks: replace the portion of the chain-link fence facing and parallel to Massachusetts Avenue; expand Gardner Field to the full size of the parcel and provide a separation of space for the ball field and the playground equipment; create a social area in front of the fenced playground/ball field and install picnic tables and park benches in this area; prune the heavy canopy of trees to the rear of the field to allow sunlight; and repair and replace outdated playground equipment.

High Priority Facilitate the joint effort of Town personnel and community volunteers to beautify West Acton Village.

Coordinate volunteer efforts and Town resources/equipment to better utilize existing open space and to keep the Fort Pond Brook area clean.

Encourage activity in the Village through both public programs and private efforts: book fairs, special events, sidewalk sales, exhibits and artists' corners.

TOWN OF ACTON POLICE DEPARTMENT

INTER-DEPARTMENTAL COMMUNICATION

TO: Town Manager

DATE: June 2, 1994

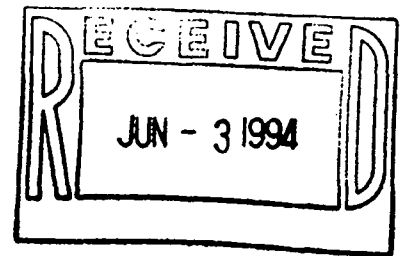
FROM: Police Chief

SUBJ: West Acton Village Plan

I have reviewed your memo of May 27, 1994 concerning the subject. From the attachment it appears that the Police Department's responsibilities under the plan primarily entail enforcement of the speed and parking regulations. When the selectmen make their decision the Traffic Unit, as well as the regular patrol, will be instructed as to their responsibilities.

The speed limit signs may have to be placed on state property, Engineering will have a better idea about that. Also, the state may require a survey.

As far as mirrors are concerned they sound like a good idea (I lived on Mead Terrace), but, I wonder about longevity.



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/2/94

TO: Don P. Johnson, Town Manager
FROM: David F. Abbt, Engineering Administrator
SUBJECT: Review of West Acton Village Plan

D. Abbt

The enclosed memo dated Sept. 7, 1993 contains my comments on the draft plan. All of these comments (even including #1) were ignored. I can't help but believe that any further review would be equally fruitless.

In general, I find many of the recommendations to be impractical or impossible (such as "neck downs at intersections and angle parking respectively) or to result in unacceptable trade-offs (moving the crosswalk at Windsor Ave.). Many others (such as new sidewalks) are expensive considering current budgetary constraints. I also think that assigning a high priority to every recommendation is less than helpful.

My personal opinion as a resident of the Town is that municipal services should be equitably distributed throughout Town and no single area should be given "special" consideration at additional cost to taxpayers elsewhere in Town.

FILE COPY

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

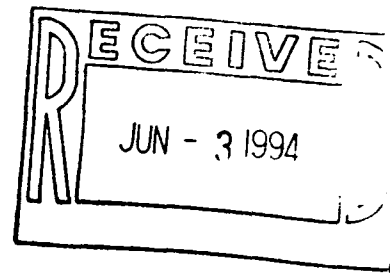
DATE: 9/7/93

TO: Donna Jacobs, Assistant Planner
FROM: David F. Abbt, Engineering Administrator
SUBJECT: REVIEW OF WEST ACTON VILLAGE PLAN

The following are my comments concerning the draft "West Acton Village Plan: dated July 20, 1993.

- (now Pg. 78)
1. Pg. 84 - The temporary signal was installed during the Fall of 1989, not 1990 in order to go into operation January 1, 1990.
 2. Pg. 10 - The location of the crosswalks at Windsor Ave. and Mass. Ave. were selected to avoid the loss of on street parking (a critical issue to the local merchants). The regulation for pedestrian safety is no marked parking within 20 feet of a crosswalk. Moving the crosswalk as suggested in the plan would result in the loss of two currently marked spaces.
 3. Pg. 11 - For many years it has been the Town's policy to install concrete sidewalks and granite curb in the three village centers (Center, West & South).
 4. Pg. 13 - Angle parking is no longer possible in West Acton with the current three lane approach at the signal. I am familiar with the road layouts in West Acton and there is no additional width that could be devoted to angle parking. It is entirely hopeless to pursue this idea any further. Angle parking is gone forever.

.94*51



INTER-DEPARTMENTAL COMMUNICATION ■ ■ ■ ■ ■

Acton Board of Health • Telephone 508-264-9634 • Fax 508-264-9630

June 2, 1994

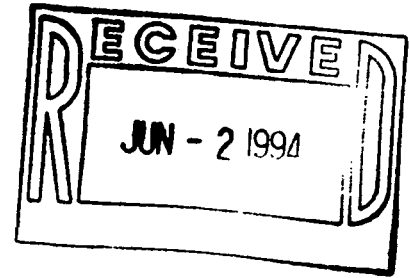
TO: Don Johnson, Town Manager
FROM: Doug Halley, Health Director *DH*
SUBJECT: West Acton Village Plan Implementation

The Health Department has reviewed the West Acton Village Plan Implementation submitted from the Planning Board to the Board of Selectmen and have the following comments:

1. Tertiary Treatment within any aquifer zone is a primary goal for the Board of Health. However, in the West Acton Village, where most of the lots are of a small size, the financial impacts of advanced treatment may make this goal difficult if not impossible to attain. For the town to provide this alternative it would require either a modification of regulations or the town's involvement in constructing a treatment plant. The town could require single family homes to provide tertiary treatment in the Village but that would only stop development not shape it. In regards to the town's involvement in building a treatment plant, West Acton Village does not approach the priorities that have already been established for South Acton & Kelley's Corner. Emerging technologies can only be utilized as Title 5 allows.
2. Encouragement of treatment facilities can only be successful if they are a cost effective measure for developers. In order to be cost effective the facilities would have to serve more than one property and would probably need involvement from the town.
3. Forming sewer districts, charging betterment fees or impact fees should be evaluated individually. However, these options are only available if the Town proceeds towards constructing a treatment plant.
4. Some of the listed properties for potential siting of treatment facilities have already been built on and would no longer be available. If the town is intent at looking at this option it must act quickly.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

June 2, 1994



TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director *DAC*
SUBJECT: West Acton Village Plan Implementation

I am in receipt of your memo of May 27, 1994, which requested comments on the proposed West Acton Village Plan Implementation. I will try to keep this as positive as possible, but frankly I feel a little frustrated by the process that the Planning Department has seen fit to use in order to come up with the Implementation Plan. Many of the comments found in the plan first surfaced about the time of the first village meetings during the initial phases of the Master Plan process, and I have been trying to deal with them in the ensuing years. The problem is that many of the comments have been perpetuated from one report to the next, and the Planning Department seems impervious to remarks from the individual departments that some of the comments were wrong in the first instance, or that changes have been made, or that there are valid operational reasons why certain conditions exist. As you will notice from my memo of 8/13/93 to the Assistant Town Planner, I responded to the draft report, yet most of the items discussed have still come back unchanged as "High Priority" items in the Implementation Plan (It is interesting that everything seems to be a "High Priority").

As noted above, many of the issues raised in the Implementation Plan were addresses in my review of the Draft Plan, and I have attached my earlier comments to this memo. However, there are a few points that I will elaborate on.

Street Trees

In order for trees to be successful in an urban environment, they need an adequate planting space. In the downtown area of West Square, the buildings are very close to the roadway, with the intervening space taken up by a sidewalk that, in my opinion, is just barely adequate for such an urbanized area. The best situation for trees would be to mandate that all new construction be set back from the sidewalk to provide a planting strip. However, the new design standards force buildings in the village to be very close to the street. The only remaining option would be to eliminate a few parking spaces in favor of trees, and this seems to be in conflict with the perceived need for more parking close to the businesses.

Gardner Field

Expanding Gardner Field to the rear would require a fill of over 10 feet in depth, which would effect the drainage characteristics of the abutting lots. This modification, which would "deepen" the playground by approximately 100 feet, would yield a larger play area for games, such as soccer, but the need for additional parking for such a use (we need parking for at least thirty cars for a soccer or baseball field or for a large play structure such as was recently donated at Goward Field) would eat up any additional space yielded. As it is presently configured, Gardner Field serves a need as a family oriented "walk-to" playground/park. My comments about the area made in my earlier memo still apply about most of the other issues, and I renew my offer to have representatives of the Acton Children's Playground Committee speak with local groups about fund-raising for replacement equipment.

Brook Crossing

Discussion of a brook crossing between Douglas and Gates Schools should involve the School Department because the entire area is under their jurisdiction. The existing wood boardwalk was a volunteer effort that still took several years of environmental filings, and has been vandalized several times in the past. The more ambitious pathway envisioned by the Planning Department would be quite costly, and would involve approvals by the Board of Appeals, Conservation Commission, Corps of Engineers, and DEP Water Quality and DEP Wetlands.

Once again, I refer you to my earlier memo, and I renew my offer to meet with any interested parties to help in the implementation of any reasonable portion of this plan.

DAC/313

Attach (DAC/339)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

August 13, 1993

TO: Donna Jacobs, Assistant Town Planner
FROM: Dean A. Charter, Municipal Properties Director
SUBJECT: Review of Draft West Acton Village Plan

I have reviewed the above noted Plan, and submit the following comments on portions of the Plan that would directly impact the Municipal Properties Department:

"Promote usage of the cultural resources within the West Acton Village such as the Citizen's Library"

Continued operation of the Citizen's Library has financial implications for the Town, especially maintenance cost absorbed by Municipal Properties; continued operations may not be financially possible.

"Accommodate pedestrians with landscaping such as street trees to provide shade and beauty, and street furnishings such as benches and trash containers for convenience and comfort."

Some new trees have been added this spring under a Mass RELEAF grant, but there are very few tree locations available in the center due to sidewalks, streets, and buildings; certainly we will plant more trees, and even have the funding in hand, when there are suitable planting locations. The Town had to discontinue trash removal from recreation areas several years ago due to staff cuts mandated by Prop. 2 1/2; I would think that the businesses in the Center could pick up the trash from the barrels since they all have dumpsters, and they would most benefit from the amenity. Again, due to budget problems, the only way to get benches and planters would be through private donation of Town specified items, which the Town could install. Incidentally, benches were never installed on the triangle because of fears by the Police that "undesirables" would use the area as a hang-out.

"Facilitate the joint effort of Town and volunteers to beautify West Acton Village."

As an example, Municipal Properties provides a truck and dumping services every year to the South Acton Village Committee for an annual clean-up.

"Require landscaping and adequate accessible parking in the rear of all new commercial developments."

The revised landscaping standards passed several years ago should address this concern; the problem is that very few new sites have been developed since then, so the impact of the new rules is minimal.

"Investigate the installation of a West Acton Village MBTA train stop, the feasibility of shuttle bus to the South Acton train stop, and public parking lots/facilities."

I feel such new facilities should be the responsibility of the MBTA, not the Town, as they will be regional in nature, and should be funded by the State.

"Coordinate volunteer efforts and Town resources/equipment for renovation of Gardner Field."

Gardner Field does not need renovations, as it is in excellent shape with very healthy grass and nice, mature trees that are well maintained. The playground equipment is old, but still safe, and a warrant article for new equipment was turned down at Town Meeting several years ago. As with the Children's Playground to be erected at Goward Field, here is an excellent opportunity for local fund-raising and a nice neighborhood project.

"Create a green belt along Fort Pond Brook as recommended in the Town of Acton Open Space and Recreation Plan."

Two donated parcels of land in the green belt were accepted by the Town at the Annual Town Meeting and signage has been made up, to be installed in the fall as time constraints permit.

"Encourage volunteer efforts to provide picnic benches and trash receptacles on the public land along Fort Pond Brook."

There are very few dry spots along the brook in the immediate area that would accommodate picnic tables. As a policy we do not provide trash receptacles but rather encourage the same sort of "carry in carry out" policy prevalent in most National and State parks.

"Rehabilitate Gardner Field to eliminate the feeling of isolation by performing the following tasks: remove the portion of the chain-link fence facing and parallel to Massachusetts Avenue; prune the heavy canopy of trees to allow some sunlight; install park benches in the area between the two fences currently located at the front of Gardner Field parallel to Massachusetts Avenue, and replace playground equipment as needed."

The chain-link fence is needed for safety to keep kids from running out onto a state highway chasing balls and the like. The trees do not need to be "thinned" as there is sufficient sunlight to keep the grass growing, and the Master Plan specifically asked for more trees to provide shade at recreation areas. As noted earlier, we would be happy to install any donated benches or playground equipment, but there is no funding presently for the Town to provide such features.

One person's "Feeling of Isolation" is another person's pleasant seclusion. There have been no problems on this field, and we have solved the problem of the tenants of the buildings on either side of the field churning the grass into mud and vandalizing the trees through installing the guard rail, signage, and parking enforcement. The field will always be somewhat secluded from view due to the slope of the land, which attenuates traffic noise from Route 111.

On page 77 of the Plan the idea of using Gardner Field for a community swimming pool is raised. Certainly the lack of water based recreational facilities is a long acknowledged problem. However, Gardner Field is much too small for such a facility and related parking, to say nothing about the financial implications of constructing such a facility.

It is also highly ironic that on Page 77 note is taken of the lack of Recreational facilities, and a comment is made about the benefits of cluster development. We had the opportunity to have a field and maintenance services donated for a new soccer field in West Acton as part of the Maple Creek development. The Planning Board took a very lukewarm stance on this possibility, and opposition from the residents of West Acton killed the proposal.

"Coordinate volunteer efforts and Town resources/equipment to better utilize existing open space and to keep the Fort Pond Brook area clean."

"Town resources/equipment" is stretched to the breaking point already, and if the committee wants more work done they should look for a way to help pay for it. The worst area along the brook for trash is the School property between Douglas and Gates, which is filled with litter from the kids. It seems they need a little environmental education as part of the curricula. Maybe a joint kids/parents/School staff cleanup day would be in order.

Thank you for the opportunity to make these comments, and I would be happy to meet with you or the committee to further define my views.


cc.: Assistant Town Manager

DAC/339

6/7/94-③

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

June 3, 1994

TO: Board of Selectmen
FROM: Tom Tidman, Conservation Administrator 
SUBJECT: West Acton Village Planning Implementation

Conservation comments are directed to Page 4 of the plan.

1. Conservation agrees with the road salt restriction.
2. A group of Gates and Douglas School parents have constructed a very nice path and boardwalk between the two schools. Conservation would not support further wetlands/floodplain disturbance as mentioned as a "High Priority".

TT:ahm

808

6/7/94 - (4)


**TOWN OF ACTON
NOTICE OF HEARING**

Notice is hereby given under Chapter 138 of the General Laws, that the Board of Selectmen will hold a hearing in Room 204 in the Acton Town Hall on June 7, 1994 at 8:30 P.M. on the application of Ruth A. Malnati, President, Acton Beverage Co., Inc. 18 Old Village Road, Acton, MA for the Transfer and Change of Location of an All Alcoholic License as a Package Store from Mary M. Notargiacomo, Notar's Market, Inc., 391 Massachusetts Ave., Acton to Acton Beverage Co. Inc., 133 Great Road, Acton, Robert L. Malnati, Manager.

Norman D. Lake
William C. Mullin
Nancy E. Tavernier
F. Dore' Hunter
Wayne Friedrichs
ACTON BOARD OF SELECTMEN

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: May 25, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner 
SUBJECT: 133 Great Road Package Store Transfer

The site is located in the Limited Business Zoning District where retail use is allowed. According to the application they are moving into the existing building and are not planning to do any external expansion therefore, they will not need site plan approval. They will need new sign licenses from the Building Department.

ACTON BEVERAGE CO. INC. MAY 1994

Policy and program regarding the sale of Alcoholic Beverages.

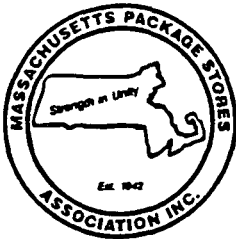
1. In keeping with the law it is ABC's policy not to sell alcoholic beverages to any person who is under 21 years of age or who appears to be under the influence of alcohol.
2. It is ABC's policy to require proper identification from any person who attempts to purchase alcoholic beverages who does not appear to be at least old enough to be the cashiers' parent. Prior presentation of identification does not negate the need for repetitive review of identification, without limit.
3. All cashiers will be at least 18 years of age and will be required to undergo training in identification techniques at ABC's sister company in Bedford, MA, prior to performing their job. Further, all cashiers & managers will be required to attend a "technique of Alcohol Management Seminar" s sponsored by the Massachusetts Package Stores Association at the first available date following employment.
4. It is the absolute right of each cashier to refuse to sell to any patron who appears to be intoxicated. It is also the absolute right of each cashier to refuse to sell to any patron who's identification does not appear to be wholly satisfactory based on his or her own judgement.
5. For purposes of establishing legal age, the following rules apply:
 - 5.1. Current and unaltered "Mass. driver's license", "Liquor I.D." or "Mass. I.D.", with picture and signature, as issued by the Mass. Registry of Motor Vehicles.
 - 5.2. For Military personnel and spouse, a current "green" Military I.D. with accompanying out of state license.
6. No employee is allowed to divide from this policy. Violation of this policy is subject to immediate dismissal without recourse.

TECHNIQUES OF ALCOHOL MANAGEMENT SEMINARS

SPONSORED BY THE
MASSACHUSETTS PACKAGE STORES ASSOCIATION

ENDORSED BY:
Governor's Highway Safety Bureau
Massachusetts Chiefs of Police Association
Executive Office of Public Safety

***LEARN HOW TO LOWER YOUR LIQUOR LAW
LIABILITY INSURANCE COSTS BY 7%
BY UTILIZING THIS PROGRAM**



***LEARN HOW TO CONTROL ILLEGAL
BEVERAGE ALCOHOL SALES
IN YOUR STORE**

***LEARN WHAT STORE POLICIES
YOU SHOULD HAVE
REGARDING ILLEGAL SALES**



***LEARN HOW TO PREVENT YOUR STAFF
FROM MAKING AN ILLEGAL SALE**

SCHEDULED SEMINARS FOR 1994:

These seminars are for off-premise licensees only

6:30 p.m. registration

7:00 p.m. seminar

Tuesday, April 19th, Best Western Hotel, Marlborough
Tuesday, May 10th, Days Inn, Burlington
Tuesday, May 17th, Ramada Hotel, West Springfield
Tuesday, August 2nd, Mansfield Holiday Inn, Mansfield

Pre-registration Fees: 1994 Members and their staff - \$25/person
Nonmembers and their staff - \$35/person

On-site registration: 1994 Members and their staff - \$30/person
Nonmembers and their staff - \$40/person

Individuals certified in 1991 must be recertified this year.

The "Techniques of Alcohol Management" (TAM) program is a training tool to assist the liquor store industry in curbing illegal alcohol sales. MassPack is bringing this outstanding program to you. More information will be mailed to you prior to the seminar being held in your area.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The Commonwealth of Massachusetts ALCOHOLIC BEVERAGES CONTROL COMMISSION

General questions to be answered by all applicants.
Please type or print legibly in ink.

Fee _____

1. Type of alcoholic beverages license: (check only ONE)

- ☐ Restaurant ☐ Restaurant - Commercial Club ☐ Innholder ☐ General On Premises ☐ Tavern ☐ Club
☒ Package Goods Store ☐ Other (specify): _____

2. Class of license: ☒ All Alcoholic Beverages ☐ Wine and Malt Beverages

3. Applicant is an ☐ Individual ☐ Partnership ☐ Limited Partnership ☒ Business Corporation
☐ Non-profit Corporation ☐ Other (specify): _____

4. If applicant is an individual, partnership, general partnership or limited partnership, state the following in a, b, and c:

a. For each person - FULL NAME HOME ADDRESS SOCIAL SECURITY NO.

b. Firm or trade name, address and telephone no: _____

c. Business name (d/b/a) if different: _____

Address: _____ Telephone no: _____

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap 110, Sect. 5, regardless of which name will appear on the license)

applicant is a corporation:

a. List the titles of all officers, the manager, and all members of the board directors. Below these list all stockholders (as defined in the instruction sheet). Then give the full name, home address and the number of shares of stock for each:

TITLE	FULL NAME	HOME ADDRESS	SOCIAL SECURITY NO.	NO. OF SHARES OF STOCK OWNED OR CONTROLLED, IF ANY
Treasurer/Clerk		18 Old Village Rd.		
Director/Manager	Robert L. Malnati	Acton, MA 01720	067-32-6137	1000 Jt.w/Spouse
President/Director	Ruth A. Malnati	Acton, MA 01720	050-30-9679	1000 Jt.w/Spouse

b. Corporation name: Acton Beverage Co., Inc.

Address 133 Great Road, Acton, MA 01720 Telephone no. _____

c. Business name (d/b/a) if different: n/a

Address _____ Telephone no. _____

(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

5. - cont.

d. Date of incorporation: 5/10/94 State of incorporation: MA Date qualified to do business in the Commonwealth of Massachusetts: 5/10/94
(attach a copy of approved certificate of organization)

6. If applicant is a club, association, limited partnership, or other type of organization:

a. List for each principal officer: (Note - Each association member who signs this application must answer this question)

TITLE	FULL NAME	HOME ADDRESS	TELEPHONE NUMBER
-------	-----------	--------------	------------------

N/A

b. Trade, firm or business name:

Address: Telephone no.
(If applicant has a d/b/a, applicant must include a copy of the certificate of doing business, required under Massachusetts General Law Chap. 110, Sect. 5, regardless of which name will appear on the license)

7. State name, address and telephone number of a person who can be contacted concerning this application:

Laurence S. Boisvert, Esq., McWalter, Barron & Boisvert 508-369-2252

8. Address and telephone of premises to be licensed: 30 Monument Sq., Concord, MA 01742

133 Great Road, Acton, MA

9. Give a full and complete description of the premises to be licensed, including location of all entrances and exits:

Entire building located at 133 Great Road, Acton, MA premises consists of approx. 3,750 sq.ft. of area, all located on ground level. Entrance on Great Road side with a service entrance on North side of building and an emergency exit at rear of building. All as shown on attached sketch drawn to scale.

10. a. Will there be any major remodeling, redecorating or building on the premises in preparation for acquisition of this license?

☒ Yes ☐ No If yes, complete b, c, d, and e.

b. Give a brief description of the planned changes: Construction of suspended ceiling and partitions necessary to create lobby, offices, bathrooms, storage & sales areas

c. Estimated costs: \$25,000 d. Estimated construction schedule: 5/18/94-6/19/94

e. State all sources of financing: 100% financed by Stockholders of Corporation

11. a. Does the applicant own the premises to be licensed? ☐ Yes ☒ No If no, state:

1. Names, addresses and telephone number of owners:

Robert L. Moran, Trustee
Mini-Warehouse, Real Estate Trust, 133 Great Road
Acton, MA 01720

2. Indicate whether applicant will be a ☒ Lessee ☐ Sublessee ☐ Assignee or ☐ Other

Specify other:

12. If applicant will be leasing the premises to be licensed, state:

a. \$ 3,250 per Month b. Beginning date of lease 6/1/94
(MONTH, YEAR, ETC.)

Ending date of lease

7/31/94 (not including option to extend)

13. a. State the names, addresses, and telephone numbers of all persons or entities who will have any direct or indirect beneficial or financial interest in this license, as required by Massachusetts General Law c. 138, s. 15A:

NAME ADDRESS TELEPHONE NUMBER

Robert L. Malnati 18 Old Village Rd., Acton, MA 01720 508-263-1634

Ruth A. Malnati 18 Old Village Rd., Acton, MA 01720 508-263-1634

b. Describe all types of financial and beneficial interest each person or entity will have in this license:

14. a. Does any person or entity listed in question 13 have any direct or indirect beneficial or financial interest in any other type of license granted under Mass. General Law 138? ☒ Yes ☐ No b. If yes, state for each person or entity:

NAME TYPE OF LICENSE LICENSE ADDRESS DESCRIPTION OF INTEREST

Robert L. Malnati All Alcoholic Bev. Genetti's Package 100% Stockholders of
& Ruth A. Malnati Package Goods Store Store, Inc. Genetti's Package Store
170 Great Rd. holder of said
Bedford, MA license

15. a. Has any person or entity named in question 13 ever held a license under G.L. c. 138 which he/she/it does not presently hold? ☒ Yes ☐ No b. If yes, state for each:

NAME TYPE OF LICENSE LICENSE ADDRESS DATE LICENSE GRANTED

Robert L. Malnati All Alcoholic 1739 Mass. Ave. Nov. 1987
& Ruth A. Malnati Bev. Package Cambridge, MA
Goods Store

16. a. Has any person or entity named in question 13 ever had his/her/its license revoked or cancelled? ☐ Yes ☒ No
b. If yes, state for each name the date and reasons why the license was revoked or cancelled:

17. Has any person or entity named in question 13 ever been convicted of violating any state or federal law? (exclude minor traffic violations) ☐ Yes ☒ No If yes, attach a statement of details.

18. If applicant is an individual, answer the following questions:

a. Are you a United States Citizen? ☐ Yes ☐ No b. Are you at least twenty years old? ☐ Yes ☐ No N/A
(If yes provide a copy of birth, naturalization or registered voter certificate)

19. If applicant is a partnership, answer the following questions:

a. Are all the partners United States Citizens? ☐ Yes ☐ No b. Are all of the partners at least twenty years old? ☐ Yes ☐ No N/A
(Provide copies of birth, naturalization or registered voter certificates for each partner)

20. If the applicant is a corporation, answer the following questions: (Corporate applicants must include with this application a copy of the vote by the board of directors appointing the manager or other principal representative)

- a. Are the majority of directors United States Citizens? ☒ Yes ☐ No
- b. Are the majority of directors citizens of the Commonwealth of Massachusetts? ☒ Yes ☐ No
- c. Is the manager or principal representative a United States Citizen? ☒ Yes ☐ No
- d. How many shares of stock are authorized? 200,000 e. How many shares of stock are issued? 1000
- f. Will any stock be pledged as collateral for this license? ☐ Yes ☐ No . If yes, to whom?
- g. Will this license be pledged as collateral? ☐ Yes ☒ No If yes, to whom?

NOTE: If applicant is an association, a copy of the birth certificate, naturalization certificate, or registered voter certificate for each member who signs at the end of this form must be included with this application.

NOTICE

The accompanying General Instructions are incorporated herein by reference.

SIGNED AND SUBSCRIBED TO UNDER PENALTY OF PERJURY THIS 19th DAY OF May 1994 19

BY: SIGNATURE OF FULL NAME

TITLE

Robert Mahuti

Treasurer/ Manager/ Clerk

Note: 1. Individual applicant(s) must sign above.

2. Applications by a partnership must be signed by a majority of the partners.

3. Applications by a corporation must be signed by an officer authorized by a vote of the corporation's board of directors. A copy of the vote of authorization must be included with this application.

4. Applications by an association must be signed by a majority of the members of the governing body. All the signers must have answered question 6a.

Name of attorney, if any, filing application on behalf of licensee.

Telephone number

Laurence S. Boisvert, Esq., McWalter, Barron & Boisvert, P.C. 508-369-2251

Office address

30 Monument Square, Concord, MA 01742

Time of filing

Date of filing

Name of newspaper publishing notice of application

☒ 6 day ☐ 7 day
license granted

4:00

5/19/94

Beacon

Space below may be used by local licensing authorities for additional information.

QUESTIONS TO BE ANSWERED ONLY BY APPLICANTS FOR A PACKAGE GOODS STORE ALCOHOLIC BEVERAGES LICENSE

- . If applicant is an individual, is applicant a citizen and resident of the Commonwealth of Massachusetts? ☐ Yes ☐ No
22. If applicant is a partnership, ^{N/A} are all partners citizens and residents of the Commonwealth of Massachusetts? ☐ Yes ☐ No
23. If applicant is a corporation, ^{N/A}
- a. Is the corporation organized under the laws of the Commonwealth of Massachusetts? ☒ Yes ☐ No
- b. Are all the directors United States Citizens? ☒ Yes ☐ No
- c. Are a majority of the directors residents of the Commonwealth of Massachusetts? ☒ Yes ☐ No

FORM A

CHANGE OF MANAGER

THIS FORM IS COMPLETED WHEN THERE IS A CHANGE IN THE MANGER OF A CORPORATION.

INSERT THE NAME OF THE LICENSEE ON LINE BELOW.

Acton Beverage Co., Inc. 508-263-1634
(Telephone Number)

NAME OF NEW MANAGER: Robert L. Malnati

HOME ADDRESS: 18 Old Village Rd., Acton, MA 01742

PLACE OF BIRTH: New York, NY DATE OF BIRTH: 7/7/40

REGISTERED VOTER: YES X NO _____ ARE YOU A CITIZEN: YES X NO _____

COURT AND DATE OF NATURALIZATION:_____

FATHER'S NAME: Richard J. Malnati MOTHER'S MAIDEN NAME Theresa Scaparrotti

POLICE RECORD: (LIST FELONY ARRESTS) None.

PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY: 4/85-Present;
President, Genetti's Package Store, Inc.
Manager, Genetti's Package Store, Inc. las
5 yrs.; President University Wine Shop, In
FINANCIAL INTEREST, DIRECT OR INDIRECT, IN ANY OTHER LIQUOR LICENSE: 11/87-7/89
100% Joint Shareholder with spouse, Ruth A. Malnati, in Genetti's
Package Store, Inc., that holds all alcoholic Bev. Package Goods Licen
EMPLOYMENT FOR THE LAST TEN YEARS: (Dates, Position, Employer, Address)

President Genetti's Package Store, Inc., 170 Great Road, Bedford, MA,
(also manager last 5 years), 4/85 - Present
President Aremco Inc., 18 Old Village Rd., Acton, MA, Engineering
Consultant 1982-1985

HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: 30 hrs / week

SIGNED AND SUBSCRIBED UNDER PENALTY OF PERJURY THIS 19 DAY OF May

BY: SIGNATURE Robert M. Shatt TITLE Treasurer/Clerk



The Commonwealth of Massachusetts

The Alcoholic Beverages Control Commission

Lowell Suttonsall Building, Government Center

100 Cambridge Street, Boston 02142

TELEPHONE: 727-30.

FORM B

THIS FORM FOR CORPORATION SET-UP

NAME OF LICENSEE: Acton Beverage Co., Inc. DATE: 5/19/94

<u>TITLE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u># OF SHARES</u>
PRESIDENT:	Ruth A. Malnati	18 Old Village Rd. Acton, MA 01720	1000 Jt. w/Spouse
TREASURER:	Robert L. Malnati	18 Old Village Rd. Acton, MA 01720	1000 Jt. w/Spouse
CLERK:	Robert L. Malnati	18 Old Village Rd. Acton, MA 01720	1000 Jt. w/Spouse
DIRECTORS:	Ruth A. Malnati	18 Old Village Rd. Acton, MA 01720	1000 Jt. w/Spouse
	Robert L. Malnati	18 Old Village Rd. Acton, MA 01720	1000 Jt. w/Spouse

STATE TOTAL SHARES ISSUED: 1000

SOURCE INFORMATION AS TO ABOVE: Robert L. Malnati and Ruth A. Malnati

INTEREST IN ANY OTHER LIQUOR LICENSE: Robert L. Malnati and Ruth A. Malnati
are 100% Stockholders of Genetti's Package Goods Store, 170 Great Rd., Bedford
MA, that holds all Alcoholic Bev. Package Goods Store License
(Officers - Directors - Shareholders)

DOES CORPORATON ITSELF HOLD INTEREST IN ANY OTHER LIQUOR LICENSE?

NO

IDENTIFY OCCUPATION OF SHAREHOLDERS: Own, manage and operate retail
package goods store.

FORM C

THIS FORM FOR FINANCING "CAPITALIZATION"

* IS LICENSE PART OF COLLATORAL? YES _____ NO X
(Using Liquor License to secure financing)

* THIS QUESTION MUST BE ANSWERED BEFORE THE FORM IS SUBMITTED

PURCHASE PRICE: \$60,000

WHAT WAS PURCHASED: All Alcoholic Bev. Package Goods Store Liquor License
issued to Notar's Market, Inc., 391 Mass. Ave., Acton,
MA only

SHARES OF STOCK: n/a

ASSETS: n/a only asset purchased is said liquor licen
(Building) (License)

OTHER ASSETS: None

WHO PURCHASED: Acton Beverage Co., Inc.

HOW FINANCED: \$35,000.00 cash & \$25,000.00 Promissory Note due and Payable
(Cash - Loans - Mortgage - Bank - Seller - etc.) 1/1/95

PREMISES: new premises - 133 Great Rd., Acton, MA - Leased from Moran, TR. Robert A.
(Owned - Leased - Rented) Mini-Ware House Real Estate Trust

IF THIS IS A CLUB LICENSE, HAS THERE BEEN A "SALE" OR "DISSOLUTION"
OF CLUB? _____ CHANGE IN OFFICERS OR CLUB ORGANIZATION? _____

ANY ADDITIONAL INFORMATION THAT YOU MAY HAVE THAT WOULD HELP THE
COMMISSION IN DETERMINING THE STATUS OF THIS APPLICATION: _____

Applicants will be providing 100% of Financing for purchase of said
license as well as capital neccessary to improve, equip and open a
retail package goods store at the premise located at 133 Great Rd., Acton
MA

IT IS IMPORTANT TO KEEP ALL INFORMATION CONFIDENTIAL.

Signature of Investigator


Date

ACTON BEVERAGE CO., INC.

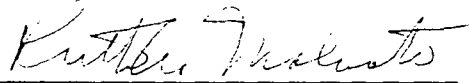
The undersigned, being all of the Directors and Shareholders ACTON BEVERAGE CO., INC. a Massachusetts corporation, hereby consent to the following resolution pursuant to the provisions of Massachusetts General Laws ch. 156B, §§ 43 and 59, as if taken by vote at a regular Directors' and Shareholders' Meeting:

RESOLVED: to authorize and direct Robert L. Malnati, as Treasurer and Clerk of the Corporation to file with the Town of Acton and Alcoholic Beverages Control Commission, an application for transfer of the All Alcoholic Beverages License to the Corporation from Notar's Market, Inc. and to petition to change location of said license from 391 Mass Avenue, Acton, MA to 133 Great Road, Acton, MA 01720; and to execute, seal, acknowledge and deliver any and all agreements, papers or instruments necessary, proper or incidental therefor.

Dated this 19th day of May, 1994



Robert L. Malnati
Director/Shareholder



Ruth A. Malnati
Director/Shareholder

PETITION FOR CHANGE OF LOCATION OR MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

MAY 19¹⁹ 94

To the

Licensing Board for the Town of Acton

The undersigned respectfully petition for

The applicant, Acton Beverage Co., Inc., has simultaneously filed herewith an application for transfer of liquor license to it from Notar's Market, Inc. Accordingly, the undersigned respectfully petitions for approval of this Licensing Board to change the location of all alcoholic beverage package goods store liquor license previously issued to Notar's Market, Inc., and to be transferred to Acton Beverage Co., Inc., from 391 Mass. Avenue, Acton, MA to 133 Great Road, Acton, MA

ACTON BEVERAGE CO., INC.

By:

Robert L. Malnati
Robert L. Malnati, Treasurer/Clerk

APPLICATION FOR TRANSFER OF LIQUOR LICENSE

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Acton

May 18, 19 94

TO THE LICENSING BOARD

The undersigned licensee, Notar's Market, Inc.
 respectfully petitions for the transfer of the Package Goods Store
 (Class of license)
 all alcoholic beverages license now exercised by the said licensee on the premises located at 391 Mass Ave.
Acton, MA 01720
 to Acton Beverage Co., Inc.
 whose address is.....

(If present licensee is a corporation, fill in the following paragraph.)

The said licensee is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and its officers, directors and stockholders, their residences, and shares owned by each are as follows:

From:	(NAME)	(ADDRESS)	(SHARES)
	(Place an * before the name of each director.)		
	Mary M. Notargiacomo	396 Arlington Street, Acton, MA	
	President		
	Mary M. Notargiacomo	396 Arlington Street, Acton, MA	
	Treasurer		
	Wilbur Humelsine	7 Edsel Road, Littleton, MA	
	Clerk		
*	Mary M. Notargiacomo, Shareholder	396 Arlington Street, Acton, MA	58
*	Diane Humelsine, Shareholder	7 Edsel Road, Littleton, MA	42

(If proposed transferee is a corporation, fill in the following paragraph.)

The proposed transferee is a corporation duly organized under the laws of said Commonwealth and having a usual place of business in said Acton, and its officers, directors and stockholders, their residences, and shares owned by each are as follows:

To:	(NAME)	(ADDRESS)	(SHARES)
	(Place an * before the name of each director.)		
	Ruth A. Malnati	18 Old Village Rd., Acton, MA	
	President		
	Robert L. Malnati	18 Old Village Rd., Acton, MA	
	Treasurer		
	Robert L. Malnati	18 Old Village Rd., Acton, MA	
	Clerk		
*	Ruth A. Malnati, Shareholder	18 Old Village Rd., Acton, MA	1000 Jt/Spou
*	Robert L. Malnati, Shareholder	18 Old Village Rd., Acton, MA	1000 Jt/Spou

The above named proposed transferee hereby joins in this petition for transfer of said license, and respectfully petitions the Board to grant such transfer.

Signature of Licensee Mary M. Notargiacomo, Pres.
 (If a corporation, by its authorized representative) Mary M. Notargiacomo, President Notar's Market Inc.

Signature of Proposed Transferee Robert L. Malnati
 (If a corporation, by its authorized representative) Robert L. Malnati, Treas/Clerk Acton Beverage Co. Inc.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

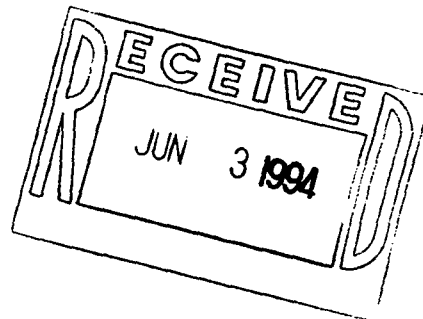
6/7/94 (4)

TO: Town Manager
FROM: Police Chief *LR*
SUBJ: Notar's License Transfer

DATE: June 3, 1994

**Town Manager
Information**

This Department has not developed any information that would lead to an objection to this license transfer.



e/7/94 - (5)

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

FILE COPY

May 12, 1994


Mr. Lung
Golden Bull Restaurant
36 Great Road
Acton, MA 01720

RE: CHANGE OF HEARING DATE

Dear Mr. Lung:

Due to a scheduling conflict the Board of Selectmen have cancelled their meeting originally posted for May 31st. I have re-scheduled your appearance before the Board from May 31, 1994 at 9:00 to JUNE 7, 1994 at 9:00 P.M. Please call my office at 264-9612 to confirm your ability to attend this re-scheduled appointment.

Very truly yours,


Christine M. Joyce
Town Manager's Office

cc: FILE

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

the bar by Glenn Matot, the bartender. I entered the bar area and observed these beverages being delivered to Kristin. I then met Jay Manning and explained the situation to him. He introduced me to Glenn Matot who stated that he did not request an ID from Kristin because he thought she was over 21. Checking IDs at Cross Roads is a matter left to the discretion of the server. Occasionally Mr. Manning works a doorman at which time he checks the IDs but such was not the case this evening. I explained to Mr. Manning that action, if any would come from the licencing authority.

Makaha - requested identification from Kristin and when she was unable to provide same they were told to leave the lounge.

Golden Bull - Both subjects entered the lounge and were served two Miller Lite Beers by Psoy Yee Than the waitress. I entered the lounge and observed the beer on the table before them. I then identified myself to the manager Kenny Lung. As above, he was informed that action, if any would come from the licencing authority.

Both the Candelwood and Kormet were closed by the time we attempted to enter. The Beef 'N Ale and New London Pizza, being restaurants without lounges will be tested at a future date during the lunch hour towards which their business is directed.

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson

DATE: April 1, 1994

FROM: Lt. McNiff

SUBJ: Liquor purchase by minors at restaurants

At approx. 2030 hrs on this date I met with Kristin Dineen, 10 Dignon Rd. Billerica, DOB 11/7/73 as previously arranged. Ms Dineen has been utilized by this department in the past for the purposes of buying liquor by a minor. She was accompanied by her boyfriend Steven Quintin, 724 Shawaheen St., Tewksbury, DOB 5/8/73. Both subjects agreed to attempt to purchase alcohol at various restaurants in Acton.

We attempted to purchase liquor at five restaurants. One of these has no bar in service as yet. However, of the other four we were successful at three of them.

Sichauan Pavilian - had no bar in operation at this time.

Scupper Jacks - Both Steven and Kristin entered Scupper Jacks and were seated on the stools in the bar area but not at the bar itself. They ordered and were served two Killian Red Beers by Christynn Rothmel, the waitress. I entered the bar area and observed these beers on the small table in front of them. I identified myself to Ms Rothmel and we went to the office of the manager where I met Jack Mendosa. I explained to him the situation and he asked Ms Rothmel if she had requested an ID from either of these customers. She stated that she had not. Mr. Mendosa told me that it was their policy to request IDs from anyone who appeared 25 years of age or younger. I informed Mr. Mendosa that I would be filing my report but action, if any against his restaurant would come from the licensing authority.

Cross Roads - Both subjects entered Cross Roads Restaurant and Kristin was served 1 Rolling Rock Beer and 1 Zima brew (a beer-like beverage that contains about the same amount of alcohol as beer) over

6/7/94
(6)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 3, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Teachers' ERI

Attached you will find a memo to the Board from the School Central Administration along with their latest financial analysis of this proposed program. Members of the Administration and/or School Committee will be in attendance at your meeting on Tuesday to discuss any questions you may have.

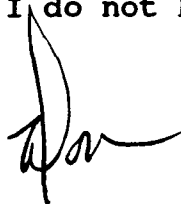
You have received virtually everything that we have received over the past months. There are only a few remaining comments that I believe I should make at this time:

1. I believe the School Administration and Town Manager's office have done everything reasonably possible to provide you with the most accurate available information on which to base your decision.
2. In spite of the School Administration's efforts to provide a financial justification for this program, we do not believe it is justifiable in that regard. The analysis presented shows that the average retiree in the top 10 from APS would retire in 4.4 years, without the

program. A 5 year amortization, for an \$886 total benefit, does not provide a reasonable payback ... especially considering the risk involved in getting into this program. (The error factor alone is projected to be as much as 25% either way!)

3. I have previously indicated to you that we still had no confidence that the Schools could hold the Town harmless, even with the best of intentions, written agreements, etc. In a last ditch effort to get a handle on this question we called DOE. We are informed that DOE does not consider the cost of ERI to be chargeable to the Minimum Spending Requirements of Ed Reform. Indeed, they are proposing amendments to their Rules and Regulations that address this issue. The problem is that these R&R's will not come up for discussion or approval until June 17. Even then, their proposal is for language that implies the ERI costs to be Municipal costs but it would at least allow them to be charged on the Schedule 19 report as educational costs in the Municipal Budget.

Taking into account all of the problems that we have seen thus far with this legislation and realizing the remaining uncertainties, I cannot, in good conscience, recommend that this program be accepted. The Board should be aware, however, that this recommendation is based primarily on financial considerations. If there are other, overriding concerns upon which the School Committee and the School Administration have based their decisions, the Board may wish to factor them in before making a decision. Otherwise, I do not believe the benefits justify the risks.



cc: School Committee
Isa Zimmerman
Mac Reid

Acton Public Schools
Acton, MA

To: Board of Selectmen

From: School Central Administration

Re: Early Retirement Incentive Program

On: 5/30/94

We have continued to review the pros and cons of participating in the State's ERI Program. We believe our and your many questions were answered a couple of weeks ago when we got an update in the form of two letters from Barbara Ware, State Actuary (dated 4/20/94), and a follow up letter from Tom Lussier, Executive Director of the MTRB (dated 4/28/94). These letters explained the new formula necessary to calculate the real costs to the towns/schools of the ERI Program.

Because we feel this program is in the best interests of the schools and town, both educationally and financially, we pursued the feasibility of our participation. We sent all the relevant information and then met with Tim Harrison who is our auditor. He checked our revised calculations against the updated formulas and reviewed our numbers for logic and accuracy. By spreading the cost over four to five years (vs. the fifteen which are allowed by the state), we still believe this program is feasible and appropriate.

We have a meeting scheduled with Don Johnson and John Murray on June 1st and would then ask for an opportunity to meet with the Board of Selectmen to discuss this issue before your vote. Thank you for your continued interest in this issue.

c: Don Johnson and John Murray

EARLY RETIREMENT INCENTIVE (ERI)

Recommendation

I. Preliminary Assumptions for Calculating Costs/Savings

- \$15,707 (APS) and \$17,390 (A-B) annual savings - retiring vs. replacement of teachers (top 10 teachers)
- Average teacher would retire at 62, which is when they would normally be eligible for health insurance as a retiree.
- Additional annual retiree health insurance costs to the system = \$4,000 per person
- APS and A-B: 6 - 10 estimated total slots from MTRB (12 APS and 12 A-B applicants)
- State will fund program
 - Peter Hapgood (Assistant Director of MTRB) said it is funded for FY '94 and their legislative liaison is confident for FY '95.
 - Senator Bob Durand's Aide, Erika, said:
 - Chair of Ways and Means is supportive;
 - If no funding, two choices:
 - State could absorb cost anyway;
 - MTRB would offer us zero slots
- Town and School would enter into an agreement that the cost of the ERI program would be absorbed by the School Districts.
- Acton Education Association and School Committees have a signed agreement that a teacher cannot receive both the ERI benefits and the early retirement incentive bonus in the contract.

II. Calculations

- Total cost to Town/District of ERI program = \$1,078,931 (A-B = \$491,493 and APS = \$587,438) for all 24 applicants or \$525,900 (A-B = \$222,101 and APS = \$303,799) for top 10 applicants

- Estimated additional insurance costs

(Formula: Number of staff x average years until age 62 x estimated annual cost of 50% insurance premiums = total annual cost of insurance)

- For all 24 applicants

- A-B: 12 x 5.4 x \$4,000 = \$259,200

- APS: 12 x 3.8 x \$4,000 = 182,400

- Total estimated insurance costs = \$441,600

- For top 10 applicants

- A-B: 5 x 9.2 x \$4,000 = \$184,000

- APS: 5 x 4.4 x \$4,000 = 88,000

- Total estimated insurance costs = \$272,000

III. Summary of Finances For Top 5 Applicants In Each District

<u>APS</u>	<u>A-B</u>	
-\$303,799	-\$222,101	District's share of ERI program
- 88,000	-184,000	Estimated additional health insurance costs
<u>+ 392,685</u>	<u>+434,750</u>	Five year salary savings
+ \$886	+\$28,649	

IV. Additional Assumptions

- Total ERI cost (\$525,900 for top 10 applicants) is based on 15-year payback – MTRB has said total will be less if paid back sooner.
- Additional health insurance costs should be conservative estimate because some staff would:
 - retire earlier than age 62;
 - receive health insurance benefits from a spouse;
 - have insurance benefits picked up by a new employer.
- The 5-year total salary savings example is accurate based on 10 specific applicants.

V. Recommendation

The administration recommends that the School Districts & Town participate in the ERI program. We believe that the costs can be spread over five years and be totally offset by salary savings.

VI. Why Participate?

Assuming the cost to the Town/District is insignificant and can be offset by salary savings, we believe it is in the best interests of the Schools and Town to participate because:

1. it allows new staff to be incorporated into the system;
2. there should continue to be salary savings after the 4-year payback period;
3. there are teachers very interested in a change.

6/7/94 - 7

SELECTMEN'S BUSINESS 6/7

STOCKARD
ENGLER
BRIGHAM

May 24, 1994

Norman Lake, Chairman
Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: New View Neighborhood Development Corporation

Dear Mr. Lake:

I am writing the Acton Board of Selectmen on behalf of New View Neighborhood Development Corporation, a non-profit group which has a PCRC application pending before the Planning Board. Due to some complications in the local review process, we are going to be withdrawing our February PCRC application and resubmitting a revised application by the end of June. Due to town policies, the new members appointed to the Planning Board after July 1 will be unable to vote on our application since they were not sitting when it was first heard. At the same time, we are unable to complete the hearings and provide the Planning Board staff with sufficient time to complete their technical review in order to have a vote of the existing board members before the end of June. Our revisions are partially due to a decision from Acton Town Counsel we received a month after we filed which reduced our allowable number of units. Subsequently, we were asked to delay our first public hearing in order to accomodate the possibility of a Town Meeting for that night.

I raise these issues only to support this request to waive a second PCRC application fee which would be an economic burden to the applicant, having already paid \$10,000 for the initial review. This revised application would have been reviewed as part of the initial fee had we not run up against a change in Planning Board personnel.

Thank you very much for your consideration of this request.

Sincerely yours,


Robert Engler
Development consultant to New View

6/7/94 (8)

GIRL SCOUTS OF AMERICA
Troop #2001
9 Ticonderoga Road
Acton, Massachusetts 01720
May 31, 1994

Acton Board Of Selectmen
Town Hall
Main Street
Acton, MA 01720


Dear Selectmen:

It is with great pleasure that I invite you to a Court of Honor being given for Clare Murray and Kirsten Petersen on Friday evening June 17, 1994 at 7:00 PM at St. Elizabeth of Hungary Church, 89 Arlington Street, Acton, Massachusetts. Clare and Kirsten will be receiving the highest honor Girl Scouting can give, the Gold Award.

Clare has been involved in Scouting for twelve years and Kirsten for ten years. They are seniors at Acton-Boxborough High School. Clare will be attending the University of Massachusetts, Amherst next year and Kirsten will be attending Davidson College, North Carolina. They have shown many of the skills they will need in the future while working on their Gold Award project. Research, planning, leadership and hard work went into the planting of a wetland area around a pond in the Acton Arboretum. This is a project which will be much enjoyed by the citizens of Acton in the future and of which they can be very proud.

We hope you can join us in this tribute to Clare and Kirsten. Please R.S.V.P. to the above address.

Yours truly,


Lesley Murray
Troop Leader

6/7/94 (9)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 2, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner
SUBJECT: Annual Book Sale sign request

I have been requested to comment on the proposed signs to be located in various locations throughout the Town. These signs are to be constructed by Brian Groose in conjunction with the Friend's Annual Book Sale.

Section 7.3.3 of the Zoning Bylaw provides that the Board of Selectmen can approve such signs. I would caution that these signs have the potential to be a traffic hazard. I would recommend that if the Board gives written approval that the location of the signs be approved by the Highway Department.

Brian M. Groose
8 Lothrop Road
Acton, Massachusetts
263-7285

May 31, 1994

TO: Acton Board of Selectmen
FROM: Brian Groose
Boy Scout Troop 32 - Acton
RE: Annual Book Sale Signs

On behalf of the Friends of the Acton Libraries, I am requesting permission to display 2'x4' plywood sandwich-type signs advertising the Friend's Annual Book Sale on town property. The signs are white with stenciled black letters giving the date, time and location of the sale.

I am requesting approval for the following locations:

- West Acton Island (Rt. 111/Central Street)
- Corner of Prospect/Route 111 (Lutheran Church)
- Soccer Field by Route 27/2A
- Island by Musket Drive/Route 27

I will remove the signs promptly the afternoon of the sale.
Thank you for your consideration.

June 2, 1994

TO: GARRY RHODES, Bldg. Commissioner
FROM: TOWN MGR'S OFFICE

Please review the above request and forward your comments by tomorrow please for inclusion in the June 7 Mail packet for the Board.

6/7/94 - (10)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 3, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Acton Children's Playground
Sign Request June 1, 1994

The Board of Selectmen under Acton Zoning Bylaw section 7.3.3. may grant this type of sign. As of this date they have not established any policy or regulations except to maintain a laissez faire approach to such signs. I would suggest that the Highway Department approve the location so as not to interfere with traffic.

June 1, 1994

Board of Selectmen
Acton Town Hall
Acton, MA 01720

Re: Acton Children's Playground
Goward Field

Dear Ladies and Gentlemen,

The Acton Children's Playground Committee has begun efforts to raise funds for Phase II of the playground located in Goward Field, in Acton Center. We held a Gene Stammell concert a couple weeks ago and are preparing a direct solicitation letter to be mailed to Acton and Boxborough residents within the next two weeks. To celebrate our progress in creating a handicap accessible playground, we are planning a Grand Opening Celebration for Saturday, June 18. (Rain date: Sunday, June 19). The celebration will be conducted from 10 a.m. to 4 p.m. with official opening ceremonies from 11:00 - 11:30. We would be delighted if each of you could be present for our ceremonies at that time.

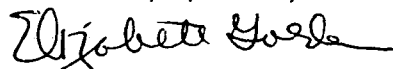
Throughout the day, we will provide games for children, lunch and snacks for purchase, wandering musicians and magicians. Also, the winners of our "Pig Kiss" drawing will fulfill their promise to kiss a real pig!

The Committee requests your permission to hold the Grand Opening and to locate sandwich boards at the playground and on Main Street to publicize the event in advance. I welcome your suggestions and would be happy to answer any questions you may have about our plans.

The construction portion of the project continues with the help of many volunteers and donators. We are grateful for the advice and assistance of Dean Charter and the various town departments. The committee will continue its efforts throughout the Summer and hopefully raise enough money to add several more Kompan pieces such as a wood train engine, house and Noah's Arc spring ride-on toy. We will keep you informed of our progress and it will certainly be evident!

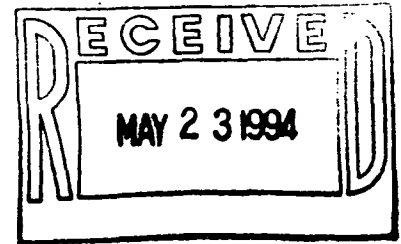
Thank you, again, for the Jenks Fund donation and for all your support.

Sincerely yours,


Elizabeth Golden
President

cc: Dean Charter

6/7/94 - (11)



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 18 March 1994 *Resubmitted 5/23/94*
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee *WECG 5/23/94*
SUBJECT : Recommendation for Appointment

At its 14 March 1994 meeting, the VCC voted to recommend Susan P. RICHMOND to be a full-member of the A/B Arts Council for a two-year term expiring 6/30/95. She brings a somewhat different perspective to the arts by being a published poetess.

original

picked up. Mar. 4, 1994

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: 3/2/94

Mr / Mrs
Ms / Dr Richmond Susan P
Last Name First Name Middle Initial

17 Gioconda Ave 635-9992 617-674-7306
Street Address Home Phone Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Acton-Boxborough Cultural Committee (Acton-Boxborough Arts Council)
- 2) _____
- 3) _____

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

No

Do you have any time restrictions? 20 hrs/wk I'm working

How long have you lived in Acton? 1 1/2 years in Massachusetts? 12

Are you a US citizen? Yes

Present occupation and employer (optional - attach resume) Writer/Editor
Eastern Research Group, Inc., Lexington

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education or special training B.A. in English, Honors in Poetry,
M.A. in Creative Writing, Poems published in numerous journals
Poetry Workshops at Harvard University

TOWN OF ACTON VOLUNTEER APPLICATION — page 2

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc:

Journalism experience, Coordinated Readings, Presented
Readings and Papers in Poetry

I have attended a session of the A-B Cultural Council and its members
 TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS have expressed
 interest in my candidacy

Acton-Boxborough Arts Council
 Aging, Council on
 Appeals, Board of
 Assessors, Board of
 Audit Monitoring Committee
 Cemetery Commissioners
 Conservation Commission
 Fair Housing Committee
 Finance Committee
 Handicapped Commission
 Hanscom Field Advisory Commission
 Health, Board of
 Historical Commission

Investment Advisory Committee
 Metropolitan Advisory Planning Council
 Minuteman Home Care
 Minuteman Vocational School Representative
 Planning Board
 Planning Council
 Prison Advisory Committee
 Public Ceremonies & Celebrations Committee
 Recreation Commission
 South Acton Revitalization Committee
 Town Report Committee
 Transportation Advisory Committee
 Volunteer Coordinating Committee

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee (you can find out who the current members are by calling the Town Manager's office at Town Hall, 264-9612). The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC INTERVIEW

applicant called: date/by 3-7-94

scheduled date / time 3-14-94 at 7:30

VCC RECOMMENDATION: date 3/14/94

Board(s) A/BAC Member / Alt / Assoc

6/30/95
 Member / Alt / Assoc

Member / Alt / Assoc

Date VCC recommendation sent to

BOS / TMgr / TMod 3/18/94

APPOINTING BODY: BOS / TMgr / TMod

Interview date _____

Appointed: Date _____

to: Board _____

Term _____

NOTIFICATION OF APPOINTMENT

Date received by VCC _____

Date appointee & committee notified

by VCC _____

SUSAN EDWARDS RICHMOND

17 Gioconda Avenue
Acton, Massachusetts 01720
508-635-9992 (h) 617-674-7306 (w)

EDUCATION

University of California, Davis, Creative Writing, M.A.
Poetry Thesis: Sandra McPherson, Director

Williams College, English, B.A., with honors
Poetry Thesis: Lawrence Raab, Director

Massachusetts Audubon Society, Teacher Training Courses in Environmental Education

**HONORS
AND AWARDS**

Academy of American Poets Prizes: Celeste T. Wright, University of California, Davis, 1986; Williams College, 1982
Regents Fellowship, University of California, Davis, 1985-86
Phi Beta Kappa Society, Williams College, 1982

**TEACHING
EXPERIENCE**

1987-1988: Instructor, Emerson College and Boston University, Boston, Massachusetts. Taught English composition, literature, and writing on contemporary issues to undergraduates.

1987-1988: Instructor, Cambridge Center for Adult Education, Cambridge, Massachusetts. Conducted introductory and advanced fiction workshops.

1986-1987: Teaching Assistant, University of California, Davis, California. Taught composition and creative writing to undergraduates.

1982 to 1983: Instructor, The American School in Switzerland (TASIS), Montagnola, Switzerland. Taught high school English and journalism.

**EDITING/
WRITING
EXPERIENCE**

1988 to present: Writer/Editor, Eastern Research Group, Inc., Arlington, Massachusetts. Develops, writes, and edits environmental education and technical materials for audiences ranging from schoolchildren to scientists.

1987-1988: Staff Editor, Houghton Mifflin Company School Division, Boston, Massachusetts. Wrote and edited student and teachers materials for reading and language arts textbooks. Produced slide show on measuring readability.

1987-1988: Poetry Editor, Redstart, Wichita, Kansas.

1988: Copy Editor, The Book Department, Brookline, Massachusetts. Copy edited college textbook Developing and Documenting the Curriculum.

1986-1987: Poetry Editor, California Quarterly, Davis, California.

1984-1985: Associate Editor, Reading Department, Houghton Mifflin Company. Wrote and edited teachers guides and supplementary materials for second and third grade reading program.

1983-1984: Training Administrator, Editorial Training and Support Services Department, Houghton Mifflin Company. Coordinated seminars, workshops, field trips. Reviewed, edited, and compiled training materials for distribution to company employees.

LITERARY ACTIVITIES

Judge, West Roxbury Community Library Annual Poetry Contest, 1992-93

Faculty Reading Series, Emerson College, Spring 1988.

"Diane di Prima's Loba: Pathways in the Wild Zone," presented on panel "American Writing and the Natural Woman," California American Studies Association (CASA), Davis, California, 1987.

Graduate Student Readings, University of California, Davis, 1985-1986 and 1986-1987.

Visiting Poet, Westford Academy, Westford, Massachusetts, 1986.

Poems published in Asylum, Birdwatcher's Digest, Blueline, Blue Unicorn, California Quarterly, Caprice, Dolphin Log (Cousteau Society), Earth's Daughters, Earthwise Review, Green Mountains Review, Green Fuse, Mind In Motion, Ormfaer, Oxford Magazine, Pinchpenny, Piedmont Literary Review, Red Pagoda, Seattle Review.

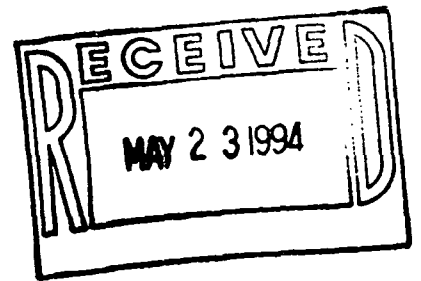
ASSOCIATIONS AND COMMITTEES

Poetry Mentor Program, Winchester Public Schools, Winchester, Massachusetts, 1989.

English Department Speakers and Lecturers and Creative Writing Committees, Davis, California, 1985-87.

Coordinator, Creative Writing Program Graduate Student Readings, University of California, Davis, 1986-87.

Places on Earth Speakers Series Coordinating Group, University of California, Davis, 1986 (speakers included Wendell Berry, Ursula LeGuin, Richard Nelson, Gary Snyder, James Welch).



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 20 May 1994
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee *WEC George*
SUBJECT : Recommendation for Appointment

At its meeting of 9 May 1994, the VCC voted to recommend Henry J. HOGAN III to be appointed full membership on the Cable Advisory Committee to fill the unexpired term of James S. Shelton ending 30 June 1996.

The CAC has expressed interest in Henry because of his legal training and experience and because of his previous and present service to the Town.

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: MAY 3, 1994

Mr / Mrs / Ms / Dr HOGAN HENRY J III
Last Name First Name Middle Initial

10 DURKEE RD 263-1597 263-4642
Street Address Home Phone Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) CABLE ADVISORY COMMITTEE
- 2) _____
- 3) _____

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

BOARD OF TRUSTEES ACTON MEMORIAL LIBRARY
VOLUNTEER COORDINATING, PERSONNEL BOARD

Do you have any time restrictions? _____

How long have you lived in Acton? 33 in Massachusetts? 48

Are you a US citizen? ✓ YES

Present occupation and employer (optional - attach resume) SELF

EMPLOYED ATTORNEY

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? NO

Education or special training ATTORNEY

TRAILER

Please list below any additional information or comments which may help in the matching of your interests with the most appropriate Board/Committee, such as civic experience, special interests/hobbies, etc. :

TOWN OF ACTON VOLUNTEER BOARDS, COMMITTEES, AND COMMISSIONS

Acton-Boxborough Arts Council	Historical Commission
Aging, Council on	Historic District Commission
Appeals, Board of	Metropolitan Advisory Planning Council
Assessors, Board of	Minuteman Home Care
Cable Advisory Committee	Minuteman Vocational School Representative
Cemetery Commissioners	Planning Board
Commission on Disability	Prison Advisory Committee
Conservation Commission	Public Ceremonies & Celebrations Committee
Fair Housing Committee	Recreation Commission
Finance Committee	South Acton Revitalization Committee
Fort Devens Reuse Task Force	Town Report Committee
Hanscom Field Advisory Commission	Volunteer Coordinating Committee
Health, Board of	

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee (you can find out who the current members are by calling the Town Manager's office at Town Hall, 264-9612). The space below is for the use of the Volunteer Coordinating Committee and the appointing body to record the status of your application.

<p>VCC INTERVIEW</p> <p>Applicant called: date/by <u>5-6-94</u></p> <p>Scheduled date / time <u>5-9-94 at 8 P.M.</u></p> <p>VCC RECOMMENDATION: Date <u>5/9/94</u></p> <p>Board(s) <u>CAC</u> <u>Member</u> / Alt / Assoc <u>sup. 6/30/96</u> <u>Member</u> / Alt / Assoc <u>Member</u> / Alt / Assoc</p> <p>Date VCC recommendation sent to <u>BOS</u> / TMgr / TMod <u>5/20/94</u></p> <p>[] No openings at this time >>>>-----></p>	<p>APPOINTING BODY : BOS / TMgr / TMod</p> <p>Interview date _____</p> <p>Appointed : Date _____</p> <p>To: Board _____</p> <p>Term _____</p> <p>NOTIFICATION OF APPOINTMENT</p> <p>Date received by VCC _____</p> <p>Notification by the VCC :</p> <p>Date committee notified _____</p> <p>Date applicant notified _____</p>
--	---

6/7/94 - 13

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
FINANCE DEPARTMENT

TO: John Murray June 2, 1994
FROM: Marcella L. Rivard-Sultan
SUBJECT: Surplus Equipment

We are currently storing 15 old punch-card reader voting machines (operational from 1981 thru 1991), which have not been used since 1991. These machines will no longer be used by the Town for elections. We request that these machines be declared surplus equipment so that we may either sell or dispose of them appropriately.

NOTE TO BOS -

WE DO NOT THINK THEY HAVE ANY VALUE
AT ALL.

W. On

CONSENT 6/7

6/7/94 - (14)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 2, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Junk Car, Willow Street

Officer Prehl of the Police Department has served notice on Mr. Lon Nichols to have him remove an unregistered automobile from property on Willow Street. Mr. Nichols' response, to date, has simply been to move it to another location on the property, still in violation of the bylaw.

In order to proceed with enforcement, the Board must issue a violation notice similar to the draft that is attached.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Norman D. Lake, Chairman
Board of Selectmen

June 7, 1994

Mr. Lon Nichols
11 Freedom Farm Road
Acton, MA 01720

Dear Mr. Nichols:

It has been brought to our attention that you are in violation of Section E6 of the Bylaws of the Town of Acton relative to the storage and parking of unregistered motor vehicles" (copy attached). Specifically, you are storing an unregistered blue Mercury Sable station wagon on property at 28 Willow Street, in violation of said Section E6.

In accordance with Section E7, you are hereby notified that this vehicle must be removed or enclosed within five (5) days following receipt of this notice. If you fail to comply within the specified five (5) day period you may be subject to penalties as prescribed by the Bylaws of the Town of Acton and the Commonwealth of Massachusetts. Fines may be imposed for every day that the violation continues after the five (5) day compliance period.

If you have questions regarding this matter you may refer them to the Police Chief at 264-9638.

Very truly yours,

Norman D. Lake, Chairman
Board of Selectmen

cc: Police Chief

E5. Excavations

The owner or owners of any land which has been excavated in any way shall, within five (5) days following receipt of written notice from the Selectmen that the Selectmen have determined that said excavation constitutes a hazard to public safety, erect barriers or take other suitable measures to protect persons from harm therefrom. Failure to comply herewith shall be subject to prosecution under the provisions of Section 21 (19) of Chapter 40 of the General Laws and the penalty for violation hereof shall not be more than two hundred dollars (\$200.00).

E6. through E9. Unregistered Motor Vehicles

E6. *Unregistered motor vehicles which are unfit for use, permanently disabled or otherwise inoperative due to dismantling or other causes shall not be stored, parked or placed upon land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutting residents or shall be in an area properly approved for the keeping of same by licensed junk dealers or automobile dealer.*

E7. *Owners or persons having control of the land on which such storing, parking or placing of unregistered motor vehicles occurs shall, within five (5) days following receipt of a notice from the Selectmen, remove or enclose such vehicle.*

E8. *The penalty for violation of this Bylaw shall be not less than twenty-five dollars (\$25.00) for each offense. Each day that such violation continues shall constitute a separate offense.*

E9. *No person shall operate a recreational motor vehicle within the limits of any park, playground or other public property except with the written consent of the Board of Selectmen, nor on any private property except with the written consent of the owner or legal occupant thereof. The penalty for violation of this Bylaw shall be a fine of not more than fifty dollars (\$50.00).*

E10. Registration of Ownership of a Building used for Multi Family Occupancy

The owner of any house or building, or part thereof, which is rented, leased, let or hired out to be occupied or is occupied or is intended, arranged or designed to be occupied as the home or residence of more than two (2) families living independently of each other and having a common right in halls, stairways, yard, cellar, sinks, water closets or privies, or any of them, and every lessee of the whole or of two (2) or more tenements in any such house or building shall annually during the month of April file in the office of the Town Clerk a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the Board of Health and building inspector easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, the number of families occupying the apartments. The notice shall contain the name and address of some agent for the house, for the purpose of receiving service of process, and notice to and service of process upon each agent shall bind the principal.

06/02/94.

ACTON POLICE DEPARTMENT
"JUNK CAR" BYLAW VIOLATION NOTICE

It has been brought to our attention that you are in violation of a Town bylaw pertaining to the storage of an unregistered motor vehicle(s) that is/are unfit for use. A copy of the bylaw will be given to you by the officer serving this notice.

After 5 days following receipt of this notice, unless corrective action is taken by you, criminal complaints will be requested from the court.

Respectfully,

Board Of Selectmen

Description of Vehicle(s)

Make: Mercury

Model: Sable station wagon

Color: Blue

ID Number: Vin# 1MEBP88466601297

To the Board of Selectmen:

I hereby certify this notice along with a copy of the above cited bylaw was served in hand to hon nichas on 05/25/94. The year and make of the vehicle(s) is/are as follows: 1986 mercedes wagon

Christopher #37.
Police Officer of Acton

* Attached noticed served on
5/25/94 In hand to hon nichas.
As of 06/02/94 veh still
parked on property but moved to
different location

TOWN OF ACTON
"JUNK CAR" BYLAW

Unregistered motor vehicles which are unfit for use, permanently disabled or otherwise inoperative due to dismantling or other causes shall not be stored, parked or placed upon land in the Town unless the same shall be within a building or in an area unexposed to the view of the public or abutting residents or shall be in an area properly approved for the keeping of same by licensed junk dealers or automobile dealers.

Owners or persons having control of the land on which such storing, parking or placing of unregistered motor vehicles occurs shall, within five (5) days following receipt of a notice from the Selectmen, remove or enclose such vehicle(s).

The penalty for violation of this bylaw shall be not less than \$10.00 nor more than \$20.00 for each offense. Each day that such violation continues shall constitute a separate offense.

Served in hand to
hon richard's veh owner
3/25/94 1130 AM

CPH #37

Blue 86 merc wagon
vin # 1MEBP88U6GG66129

3 55126 66 05/25/94 1134 56199/1199

* QJIS DISPLAY FOR LAC101 ON 05/25/94 11:34 EDT

Prehl

RECORD NOT FOUND MSG 10 = 02.5126
KEYS USED = REF/ NIC/ LOCKACK REPLY CODE/
LIC/ LIS/ LIT/ VIN/ 1MEBP880636661297
NAM/ DOB/ RAC/ SEX/
SOC/ CLN/ WAR/

ALARS:NDIC

QJIS 55126 67 05/25/94 1134 56199/1199

MASSACHUSETTS REGISTRY OF MOTOR VEHICLES 05/25/94 1134
REGISTRATION / TITLE INQUIRY

STATUS: STATUS DATE: 00/00/0000

REG#: TYPE: PLATE-COLOR: VIN#: 1MEBP880636661297
1986 MERC SABLE STWAG BLUE / 4DR 6PASS 6CYL WT: SOL.#
EFF DT: 00/00/0000 EXP DT: 00/00 ORI-ISS-DT: 00/00/0000 BUS-

-----OWNERS-----

1: NICHOLS, LON S 2:
LIC1: 018489672 - DOB 07/22/1956 LIC2: DOB 00/00/0000
CORP/CO NAME:
MAIL ADD: 11 FREEDOM FARM ACTION MA 01720-2529
RES ADD:

-----TITLE-----

TITLE# A6179485 STATUS DATE: ACTV 04/04/1991 PURCH DT: 06/30/1990
TITLE-DT: 03/12/1991 PREV-TITLE-ST: MA
INS-CO: 000 NAME: MERIT RATING BOARD



ACTON HOUSING AUTHORITY

Windsor Avenue
P.O. Box 681
Acton, Massachusetts 01720
508/263-5339

6/7/94 - (110)

May 26, 1994

Mr. Norman Lake
Chairman, Acton Selectmen
Town Hall
Main Street
Acton, Ma. 01720

Dear Norm: *Norm*

Enclosed please find a copy of a new Section 8 Annual Contribution Contract (ACC) for ten (10) Certificates which need approval of the Selectmen. Please note the ACC executed by the Selectmen in December, 1993 originally covered a Cost Amendment in addition to these ten (10) Certificates. HUD has decided to separate out the Certificates into their own ACC, thus this new contract. I apologize for the inconvenience and hope you understand the Authority has little choice but to comply.

Thank you in advance for your cooperation, patience and attention to this request. Christine will have the four (4) original contracts at the Selectmen's meeting which once approved each need original Chairman's signatures.

Sincerely,

Naomi E. McManus
Executive Director



U.S. Department of Housing and Urban Development
Office of Assistant General Counsel for New England
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

(617) 565-5126 FAX: 565-7337

MAY 23 1994

Naomi McManus, Executive Director
Acton Housing Authority
P.O. Box 681
Acton, Massachusetts 01720

Dear Ms. McManus:

SUBJECT: Section 8 Existing Annual Contribution Contract
Contract No.: B-1223E
Project No.: MA06-E057-021 (New Project)

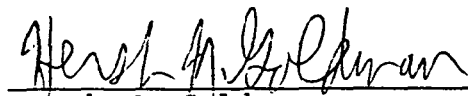
Enclosed is the above identified contract. These documents should be processed promptly by your Authority in accordance with the attached instructions, and returned to this office as soon as possible.

If you have any questions regarding this matter, please do not hesitate to contact Hersh Goldman at (617) 565-6970.

Sincerely,

Patricia P. Allen
Deputy Assistant General
Counsel for New England

By:


Hersh N. Goldman
Legal Technician

Enclosure

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 EXISTING

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT
PART I

for

HOUSING CERTIFICATE PROGRAM

1.1 DEFINITIONS.

A. ACC.

As used in Part I of this CACC, "ACC" means the Annual Contributions Contract for each project.

As used in Part II of this CACC, "ACC" means the CACC.

B. Budget Authority. The maximum aggregate amount which may be paid by HUD for each project in the Program over the duration of the CACC. Budget Authority is reserved by HUD from amounts authorized and appropriated by the Congress. (Exhibit II lists budget authority for projects funded with amounts appropriated in Federal Fiscal Year 1968 and later years.)

C. CACC. Consolidated Annual Contributions Contract.

D. Contract Authority. The amount of contract authority for each project is listed in Exhibit I or Exhibit II of this CACC Part I (subject to reduction in accordance with section 1.4.D and section 2.3 of this CACC).

E. Cost Amendment. An amendment to the CACC which provides additional contract or budget authority to cover increased Program Expenditures to maintain the Program at the number of units originally approved by HUD.

F. Fiscal Year. The PHA Fiscal Year.

- G. HUD. U.S. Department of Housing and Urban Development.
- H. Maximum Annual Contribution Commitment. See section L4.C.1.b of this CACC.
- I. PEA. Public Housing Agency.
- J. Program. The PEA's Housing Certificate Program under the CACC.
- K. Program Receipts. Amounts paid by HUD to the PEA for the Housing Certificate Program, and any other amounts received by the PEA in connection with the Program.
- L. Program Expenditures. Amounts which may be charged against Program Receipts in accordance with the CACC and HUD requirements.
- M. Project. A funding increment for the Program. (The project may be for additional units or for a cost amendment.)

1.2. HOUSING CERTIFICATE PROGRAM.

- A. Projects in Program.
 - 1. List of Projects. The Projects in the Program are listed in Exhibit I and Exhibit II of this CACC Part I.
 - 2. Exhibit I. Exhibit I lists projects funded with amounts appropriated before Federal Fiscal Year 1968.
 - 3. Exhibit II. Exhibit II lists projects funded with amounts appropriated in Federal Fiscal Year 1968 and later years.
- B. Number of Units (by number of bedrooms). To the maximum extent feasible, the PEA shall enter into contracts for housing assistance payments for units under the Program in accordance with the unit distribution stated in this section. No substantial deviation, as determined by HUD, from this unit distribution is allowed without prior HUD approval.

<u>Number of bedrooms</u>	<u>Number of Units</u>
0	-----
1	20
2	49
3	20
4	-----

B

- 2

13.

- B.**

L4 ANNUAL CONTRIBUTION.

A. Payment. HUD shall pay the PEA annual contributions for the Program in accordance with HUD regulations and requirements.

B. Amount and Purpose of HUD Payments.

1. The annual contribution for the Program shall be the amount approved by HUD for each Fiscal Year to cover:

a. The amount of housing assistance payments by the PEA.

b. The amount of PEA fees for Program administration.

2. The amount of the HUD annual contribution may be reduced, as determined by HUD, by the amount of Program Receipts (such as interest income) other than the HUD annual contribution.

C. Maximum Payments for Program.

1. Annual Limit on Payments for Program.

a. Except for payments from the CACC reserve account as provided in section L4.3 of this CACC, the HUD annual contribution for the program under section L4.3 during the Fiscal Year shall not be more than the Maximum Annual Contribution Commitment for the Program.

b. The Maximum Annual Contribution Commitment for the Program for each PEA Fiscal Year shall be equal to the sum of the contract authority amounts reserved by HUD for the projects in the Program. The amount of contract authority reserved for each project in the Program is stated in Exhibit I and II of this CACC Part I (subject to reduction in accordance with section L4.D and section 2.3 of this CACC). If the first Fiscal Year for the Program is more than 12 months, the Maximum Annual Contribution Commitment for the Program for the first Fiscal Year may be adjusted in an amount as determined by HUD by the addition of the pro rata amount applicable to the period in excess of 12 months.

2. Limit on Total Payments for Program. The sum of HUD payments under section 14.3 for the Program over the duration of the CACC (including any payments from the CACC reserve account as provided in section 14.3) shall not be more than the sum of the budget authority amounts reserved by HUD for the program in the Program from amounts authorized and appropriated by the Congress.

D. Refund of Amount Payable. HUD may refund the amount payable by HUD for any project or for the Program, and may refund the amount of the contract authority or budget authority for any project by giving the PHA written notice of refund in accordance with section 2.3 of this CACC. The notice by HUD may include a revision of Exhibit I or II to state the refund in the amount of contract authority or budget authority for a project.

E. CACC Reserve Account. A CACC reserve account shall be established and maintained by HUD, in an amount as determined by HUD consistent with its responsibilities under section 806 of the U.S. Housing Act of 1937. The CACC reserve account may be used by HUD for payment of any portion of the payment approved by HUD under section 14.3 for the Fiscal Year.

F. Separate ACC. HUD's commitment to make payments for each project listed in Exhibit II shall constitute a separate ACC.

15 CACC.

A1. The CACC consists of this CACC Part I (including Exhibit I and II) and the form ACC Part II prescribed by HUD for the Housing Certificate Program and Housing Voucher Program, designated as form HUD 52520 E, and dated June 1986. These documents constitute the whole CACC for the Program.

A2. The PHA shall submit to the Boston Housing Opportunity Clearing Center (also known as Metrolist) (hereinafter, Metrolist) information concerning the PHA's application and selection policies and waiting list procedures, including a copy of the application form(s). All changes, amendments, deletions, or any other alteration of this information shall be submitted to Metrolist within 5 days of its effective date. Metrolist is operated by the Boston Fair Housing Commission and was established pursuant to Section II.3 of the Decree entered in N.A.A.C.P. v. Boston Chapter v. Kemp, Civil Action No. 78-350-3 (D.Mass.). The PHA shall also submit to Metrolist, at least two weeks in advance, notification of the reopening of any previously closed waiting list. In addition, the PHA shall encourage the owners and managers of HUD-assisted housing to participate fully in available programs designed to facilitate access to suburban housing opportunities for low-income minority households now living in the City. Such programs include, without limitation, Section 8 rental subsidies and the listing of housing opportunities at Metrolist. If so directed by HUD, the PHA shall require such participation by including such terms in HAP contracts, except that HUD will not direct that such terms be added to HAP contracts for Section 8 certificates and vouchers. The PHA shall meet all requirements imposed by the Secretary in implementation of the provisions of this paragraph. Records documenting such compliance shall be kept in accordance with the requirements of the Secretary or his agents.

- B. This CACC supersedes any previous Annual Contributions Contract for the projects or Program. Matters relating to operation of the projects or Program under a previous Annual Contributions Contract shall be governed by this CACC.

Signatures

PUBLIC HOUSING AGENCY

Acton Housing Authority

Name of PEA

By _____
Signature

Date signed

Print or type name and official title of signatory

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By _____
Signature

Date signed

Print or type name and official title of signatory

(SEAL)
Attest:

(SEAL)
Attest:

TOWN/CITY Acton

BY: _____

TITLE: _____

DATE: _____

Executive Office of Communities
and Development

BY: _____

TITLE: _____

DATE: _____

EXHIBIT I

Projects Authorized Before Federal Fiscal Year 1966

PROJECT NUMBER	ACC LIST NUMBER	CONTRACT AUTHORITY	PROJECT ACC EFFECTIVE DATE
MAC6-E057-007	6-31-300	44,544.00	06/23/31
MAC6-E057-008	6-32-439	22,080.00	01/06/33
MAC6-E057-009	6-33-511	43,708.00	01/06/33
MAC6-E057-011	3-36-342	42,240.00	MAY 28 1967

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed

Exhibit I: Page 1 of 3 pages

EUD 52520 E (August 1966)

EXHIBIT E (Ongoing)

Financial Statement for Fiscal Year 1993 and Last Year

CA = Contract Authority, EA = Budget Authority

PROJECT NUMBER	CA	EA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRIB- UTION
MA06-E057-012	\$ 89,193.	\$445,965.	10/1/89	9/30/94	1BR 6 1BR 3
MA06-E057-901	\$124,181.	\$248,366.	9/1/89	12/31/91	-----
MA06-E057-901	(\$124,181.)	(\$248,366.)			
MA06-E057-001	\$68,544.00	\$391,836.00	1-12-76	1-17-91	1BR 6 1BR 6 1BR 3
MA06-E057-001	(\$68,544.00)	(\$391,836.00)	1-12-76	1-17-91	15
MA06-E057-902	\$124,181.00	\$124,181.00	10/1/91	12/31/91	-----
MA06-E057-902	(\$124,181.00)	(\$124,181.00)			
MA06-E057-903	\$150,000.00	\$150,000.00	10/1/91	12/31/91	-----
MA06-E057-903	(\$150,000.00)	(\$150,000.00)			
MA06-E057-003	\$68,556.00	\$945,060.00	5-12-76	5-11-93	1BR 5 1BR 8
MA06-E057-003	(\$68,556.00)	(\$945,060.00)	5-12-76	5-11-93	1BR 2
MA06-E057-904	\$30,000.00	\$30,000.00	3/1/93	12/31/93	-----
MA06-E057-004	\$37,500.00	\$559,188.00	7-12-79	7-11-94	1BR 4 1BR 4 1BR 2
MA06-E057-905	\$93,700.00	\$93,700.00	5/1/94	12/31/94	-----
MA06-E057-021	\$109,200.00	\$546,000.00			2BR 5 3BR 5 10

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed

Exhibit II: Page 2 of 3 pages

RENEWALS - 86 x 0194

Project Approved in Federal Fiscal Year 1988 and Later Years

Abbreviations CA = Contract authority; BA = Budget authority.

PROJECT NUMBER	CA	BA	FIRST DATE OF TERM	LAST DATE OF TERM	UNIT DISTRI- BUTIONS
<u>Renewals - 86 x 0194</u>					
MAC6-ED57-019-REN	\$153,162.00	\$750,310.00	1-01-91	12-31-95	1ER 6 2ER 6 3ER 3 15
MAC6-ED57-020-REN	\$133,303.00	\$669,015.00	5-1-93	4-30-98	1ER 5 2ER 8 3ER 2 15

UNITED STATES OF AMERICA
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Date signed _____

FREDSTONE TOWN HOUSE CONDOMINIUM
FERNE KELLY
ALBERT VAN MOURIK
P. O. BOX 2024
ACTON, MA 01720

1014

5-39/110 266

PAY
TO THE
ORDER OF

Acton Civil Defense
x Thirty five and 00/100

May 23 1994

\$ 35.00

DOLLARS



BANK OF BOSTON

THE FIRST NATIONAL BANK OF BOSTON

FOR

Sam Bush

Albert H. Van Mourik

⑈001014⑈ ⑆011000390⑆ 703 80213⑈

6/7/94
#17

6/7/94
18

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 3, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Rules and Regulations for Public Lands

Dean Charter has prepared the attached "Acton Town Land Rules and Regulations" to take care of some of the problems we have experienced. He has already reviewed them with the Conservation Commission and received their approval. We would ask that you review them and advise whether they are suitable to the Board.

Failing any comment, we will assume your approval and move to implementation.



cc: Dean Charter

ACTON TOWN LAND RULES AND REGULATIONS

1. The Acton Town Charter vests the authority to promulgate rules and regulations for Town land, other than Conservation lands, with the Town Manager, who may delegate administration and enforcement to Town staff. Massachusetts General Law Chapter 40, Section 8C vests the authority to promulgate rules and regulations for Conservation Lands with the Conservation Commission, who may delegate the administration and enforcement of those rules and regulations to Town Staff. Noncriminal Jurisdiction for these offenses was approved as Article 29 of the 1993 Annual Town Meeting.
2. Town lands are closed from one hour after sunset until one hour before sunrise, except with special permission.
3. No motor vehicles or tools are allowed on the Town lands except as otherwise authorized.
4. Hunting is allowed only upon application to and receipt of written permission from both the Board of Selectmen and Conservation Commission.
5. No person shall cut, break, remove, deface, defile, or ill-use any structure, fence, or sign, or have possession of any part thereof.
6. No growing trees, bushes, plants, or flowers shall be cut or defaced without written permission.
7. No person shall engage in business, sell or expose for sale, or give any goods, wares or brochures, upon Town property without prior written permission.
8. Overnight camping upon Town lands may be permitted to organizations having an adult leader present at all times. Every group so utilizing these lands shall obtain written permission prior to such camping use. A fire permit must be obtained from the Fire Chief prior to use of open fires in these areas. Notification will be made to the Chief of the Police Department prior to such use for camping of the inclusive dates of occupancy, and name of responsible attending adult.
9. No facilities of an enduring nature, such as a bridge, tower, building, lean to, tent platform, or trail may be constructed without prior written permission.
10. Trapping is allowed only upon written permit from both the Conservation Commission and the Board of Selectmen.
11. Constructing, placing, or installing a blind, tree stand, or other feature that could facilitate hunting is prohibited without prior written permission. Features so installed are subject to immediate confiscation and/or destruction by the Town Manager or his designee.
12. Private property left unattended for three days will be presumed to be abandoned and may be confiscated and disposed of at the discretion of the Town Manager or his designee.
13. Possession of firearms or archery equipment on Town land, except by police officers or other public officials in pursuit of their official duties, or as authorized in writing by the Town Manager or his designee is prohibited.
14. Disposal of trash, debris, litter, or other materials, either natural or man-made, on Town lands is prohibited.

15. Use of Town land for organized or league games without permission from the Town Manager or his designee is prohibited.
16. Cutting, trimming, removing, or damaging Public Shade Trees as defined by M.G.L. Chapter 87, Section 1, without permission of the Tree Warden, is prohibited.
17. Affixing notices, signs, advertisements, or other things to Public Shade Trees, as described in M.G.L. Chapter 87, Section 9, without permission of the Tree Warden, is prohibited. All such items affixed to Public Shade Trees are subject to immediate confiscation and destruction.
18. Violations of these Rules and Regulations may be enforced by the constable, Police Chief, Police Officer, Municipal Properties Director, Conservation Administrator, or other agent allowed by law.
19. Violations of these Rules and Regulations shall be subject to a fine of \$50.00 per violation. Each day of a continuing violation will be deemed to be a separate violation.

DAC/230

6/7/94 - (19)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 6/1/94

TO: Don Johnson
FROM: John Murray 
SUBJECT: Transfer Station Fee Schedule for FY95

As you are aware, we must carefully balance our inflow of trash against the guaranteed amount to the MRI plant. In fiscal year 1995 our guarantee is 9614 tons (19,228,000 lbs). Our recent experience indicates that household trash will represent about 4,000 tons in 1995. Therefore, due to the put or pay condition of the Town contract with Wheelabrator, the Town will be required to pay for 5,614 tons (11,228,000 lbs.) (attached as Exhibit 1) at approximately \$90.00 per ton for trash not being delivered to the Acton Transfer Station by Acton Residents. The expected cost to the taxpayer or the fee-payer in FY95 for unused capacity is \$505,260.

Dick Howe in the past 4.33 years has established and managed a supplemental commercial trash program in order to minimize the cost of unused guaranteed capacity. This program has generated \$1,008,000 for this period of time. We propose that we continue this program for FY95, and we expect that this program will generate \$190,000 for 1995. Please note that guaranteed tonnage has been decreasing at a rate of approximately 2.75% per year over the last 4 years, which decreases the annual revenue amount generated by the commercial program. Revenue from this program will directly offset 37.6% of the charge for the guaranteed annual tonnage not generated by the users of the transfer station, while supplying 100% of the necessary trash. The reason that 100% of the cost is not offset is that the cost for a commercial hauler to use a disposal facility on a day to day basis is currently fluctuating between \$25.00 and \$30.00 per ton. In fact the commercial hauler, operating without a future commitment by Wheelabrator to allow the hauler to use the facility, may be dumping trash at the Wheelabrator facility simultaneously with the Town of Acton trucks at less than 1/3rd the rate we will be charged. Therefore, our commercial gate price must be competitive with the current day to day price (market rate).

A natural conclusion of the program described by the preceding paragraph is to expand the Commercial Program and generate more

money for the Town. We are unable to utilize the Wheelabrator facility in this manner, because our contract with Wheelabrator requires that Acton pay the \$90.00 per ton plus a surcharge for each ton delivered in excess of the guaranteed annual tonnage (GAT). This charge is levied even though the plant is not operating at 100% capacity and in order to replace any excess tonnage that Acton could deliver, Wheelabrator, in general, will only be able to charge the day to day price.

Approximately 87% of the gate receipts (not including the Commercial Program) are generated by the sale of first stickers (a multi-year history of the number of stickers sold by type is attached as Exhibits 2-2F). Gate receipts including the Commercial program represent only 36% of the total monies required (Please see Exhibit 3). Also please note, that due to rounding, the segments of the pie add to 101%). Based upon the Financial Plan provided to Town Meeting (level funding of the FY94 fee structure which is attached as Exhibit 3B) \$916,000 of funds necessary to operate the Transfer Station will be generated by the General Fund, which is predominately made up of taxes (please see exhibit 3A). An analysis is provided, if the Board should choose to reduce the dollar amount (revenue deficit) provided by the General Fund (please see Exhibit 4).

NESWC Fund Balance may also be used to offset the amount provided by the General Fund. We do not recommend this course of action. Fund Balance amounted to approximately \$900,000 on July 1, 1993, and Town Meeting approved a two transfers of \$55,000 and \$476,000 respectively at April's Annual Town Meeting. Therefore leaving an adjusted balance of \$369,000. Of the adjusted balance \$274,000 is restricted for un-billed but incurred costs from NESWC. The remaining \$95,000 unrestricted balance has been set aside as a sinking fund for capital replacement. Bonding for an enterprise fund is a more difficult task than issuing a general obligation bond due to the fact of limited dedicated revenue sources. The Transfer Station is a capital intensive operation. Some of the current capital items and their estimated replacement costs are listed below in order to provide the Board with a general understanding of the capital needs of this operation:

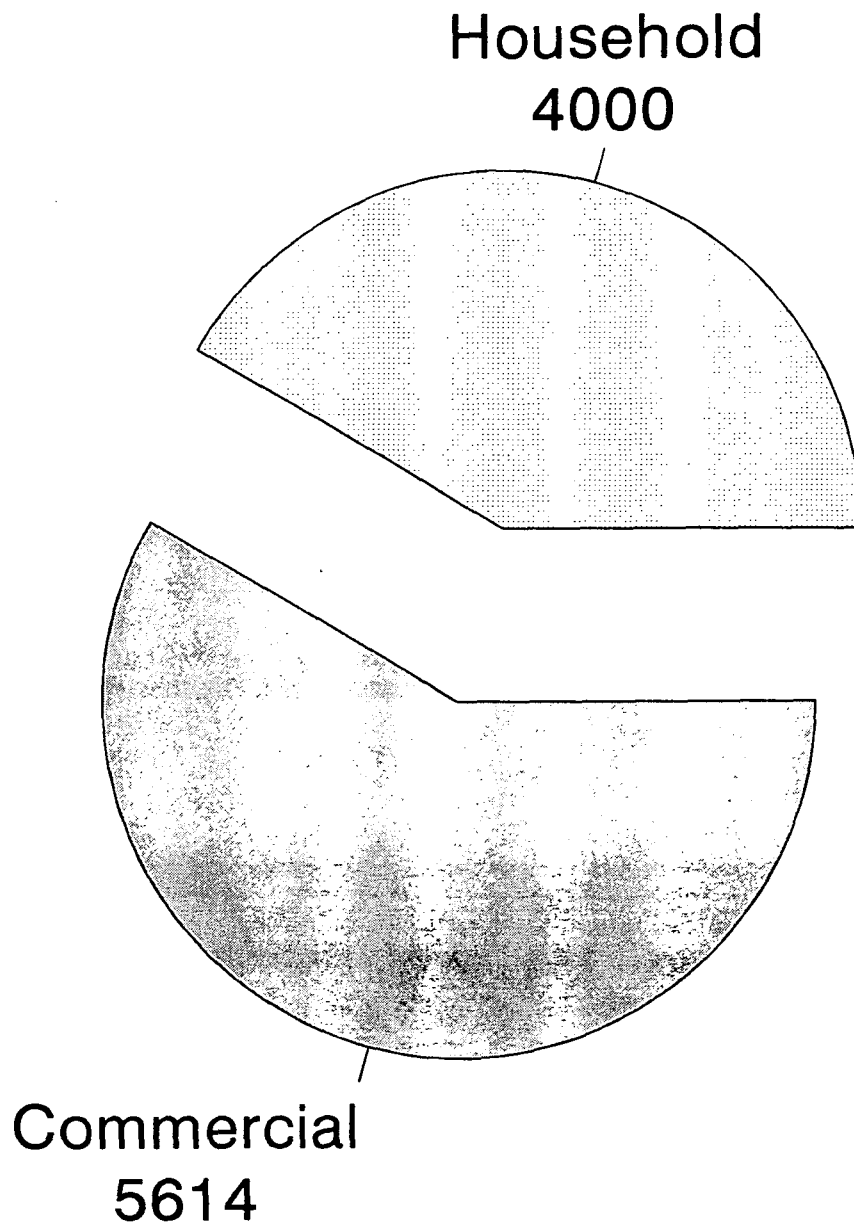
1.	Loader	\$120,000
2.	10 Wheel Tractor (2.5 ea) (a truck cab) (.5 is shared with Highway)	\$187,500
3.	48 ft. Trash Trailers (3 ea)	\$255,000
		<hr/>
	Total	\$562,500

Bonding for an enterprise fund is more difficult. Due to the fact

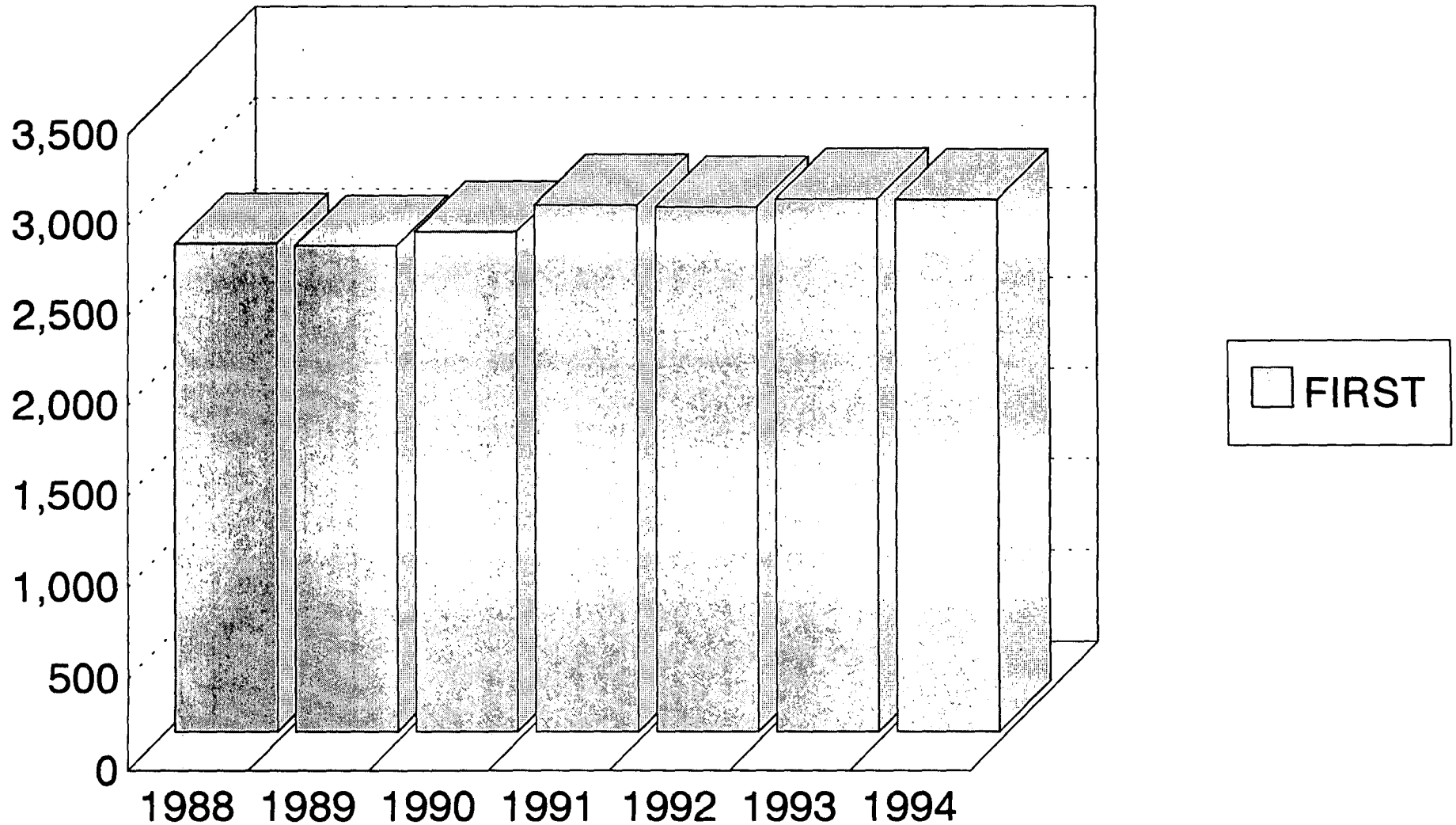
that normally an enterprise fund bond issue is a revenue bond vs a general obligation issue.

Guaranteed Annual Tonnage

9614 Tons for FY95

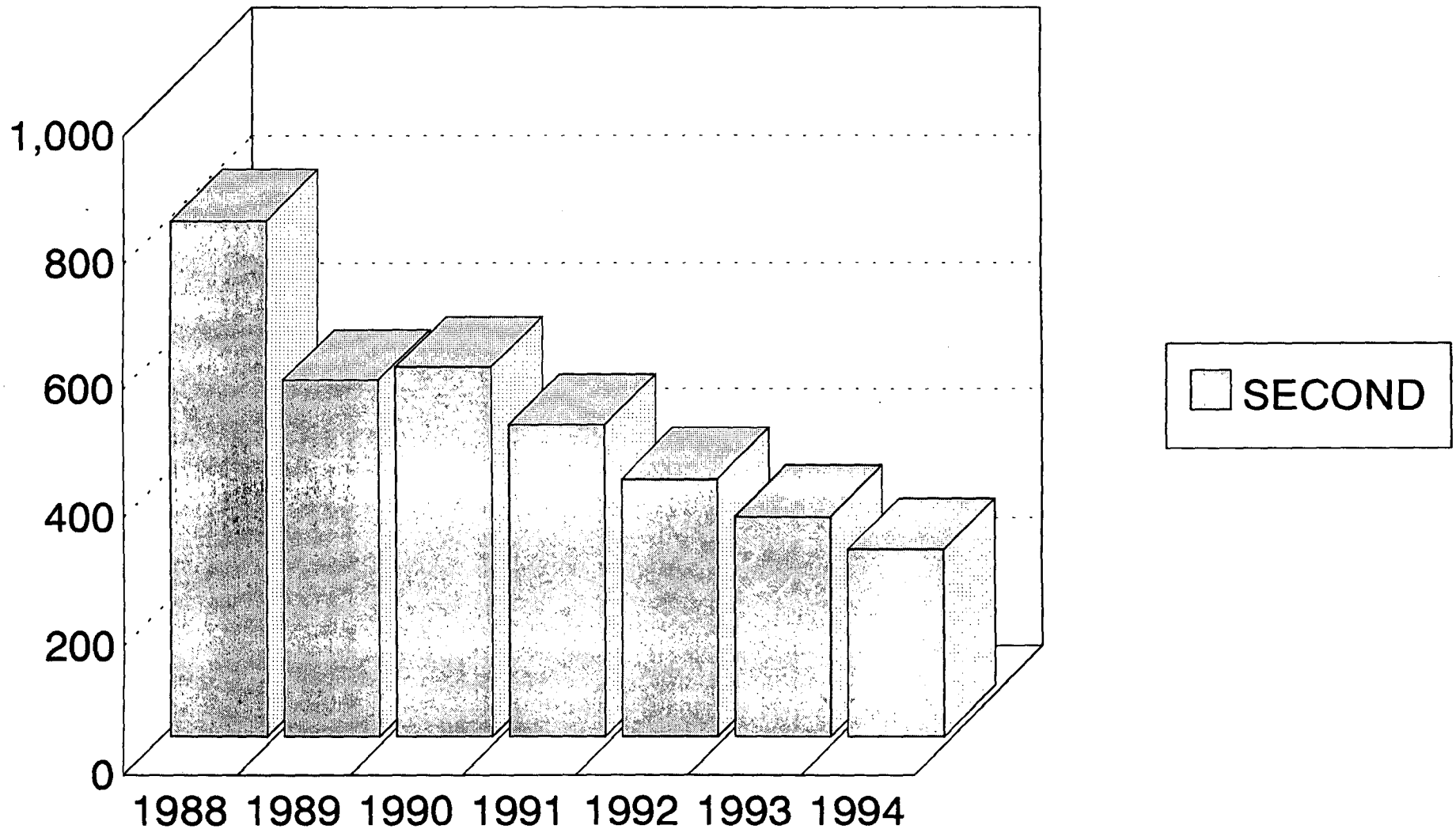


STICKERS SOLD



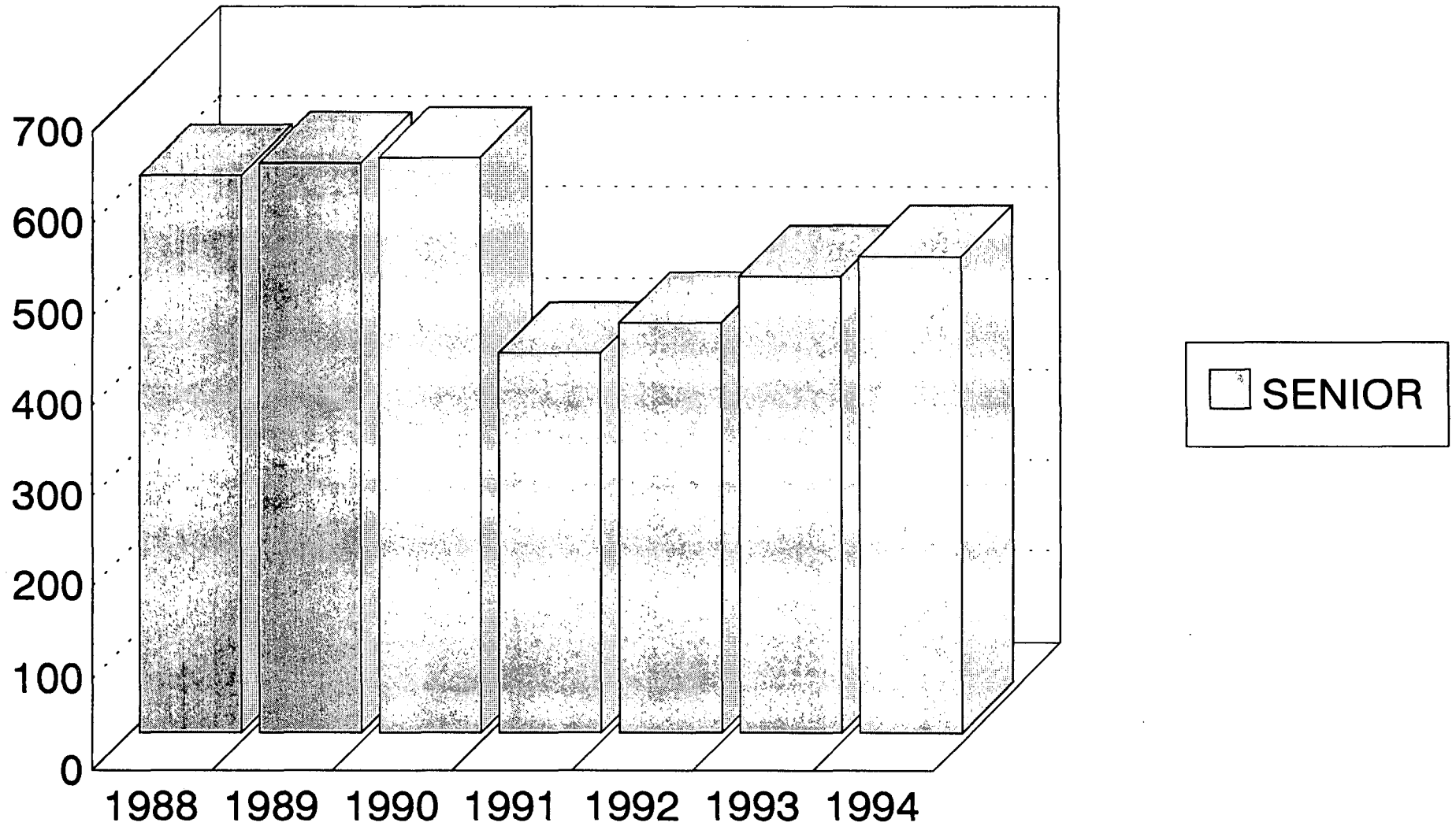
1994 ONLY THRU MAY 30

STICKERS SOLD



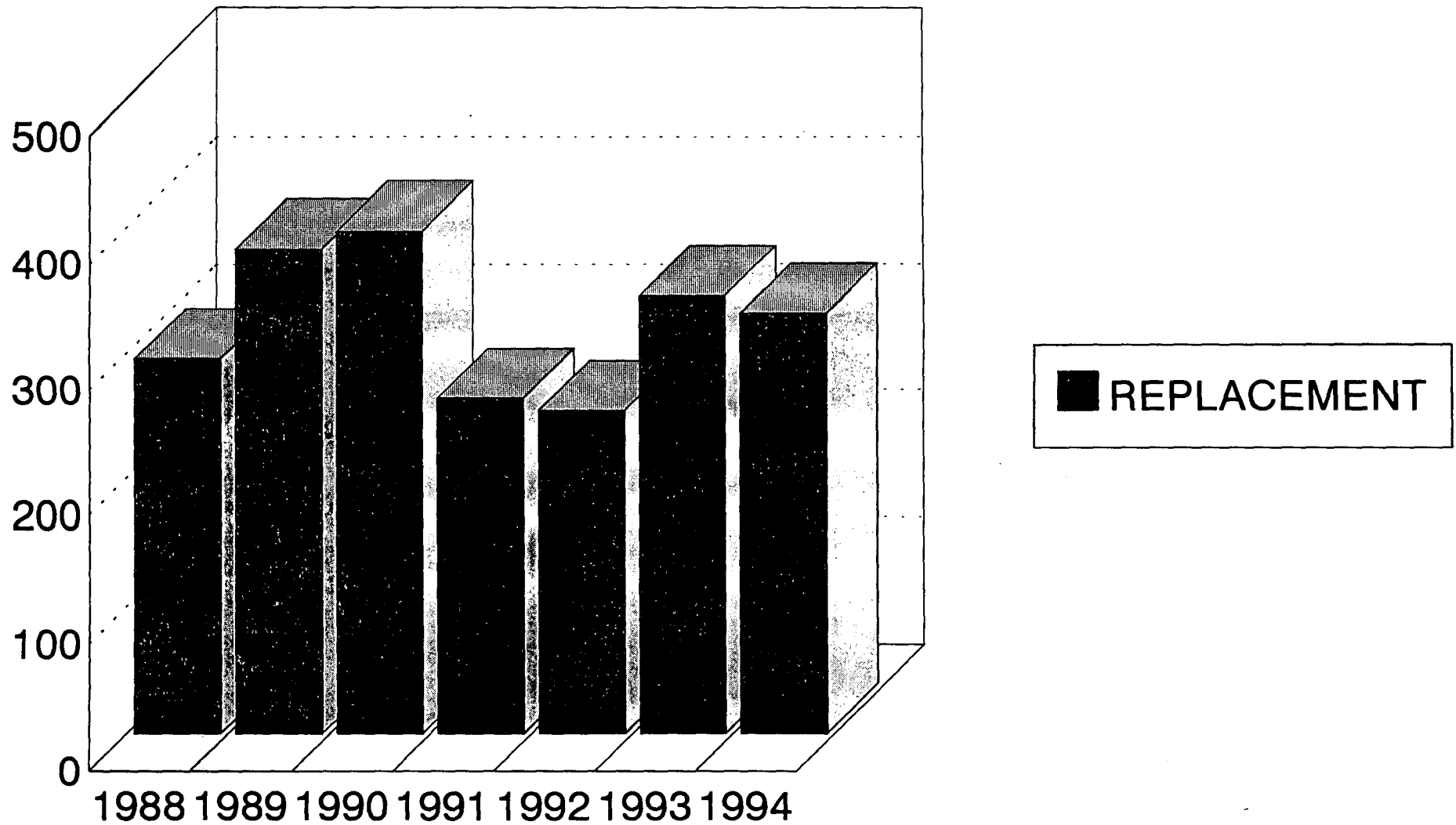
1994 ONLY THRU MAY 30

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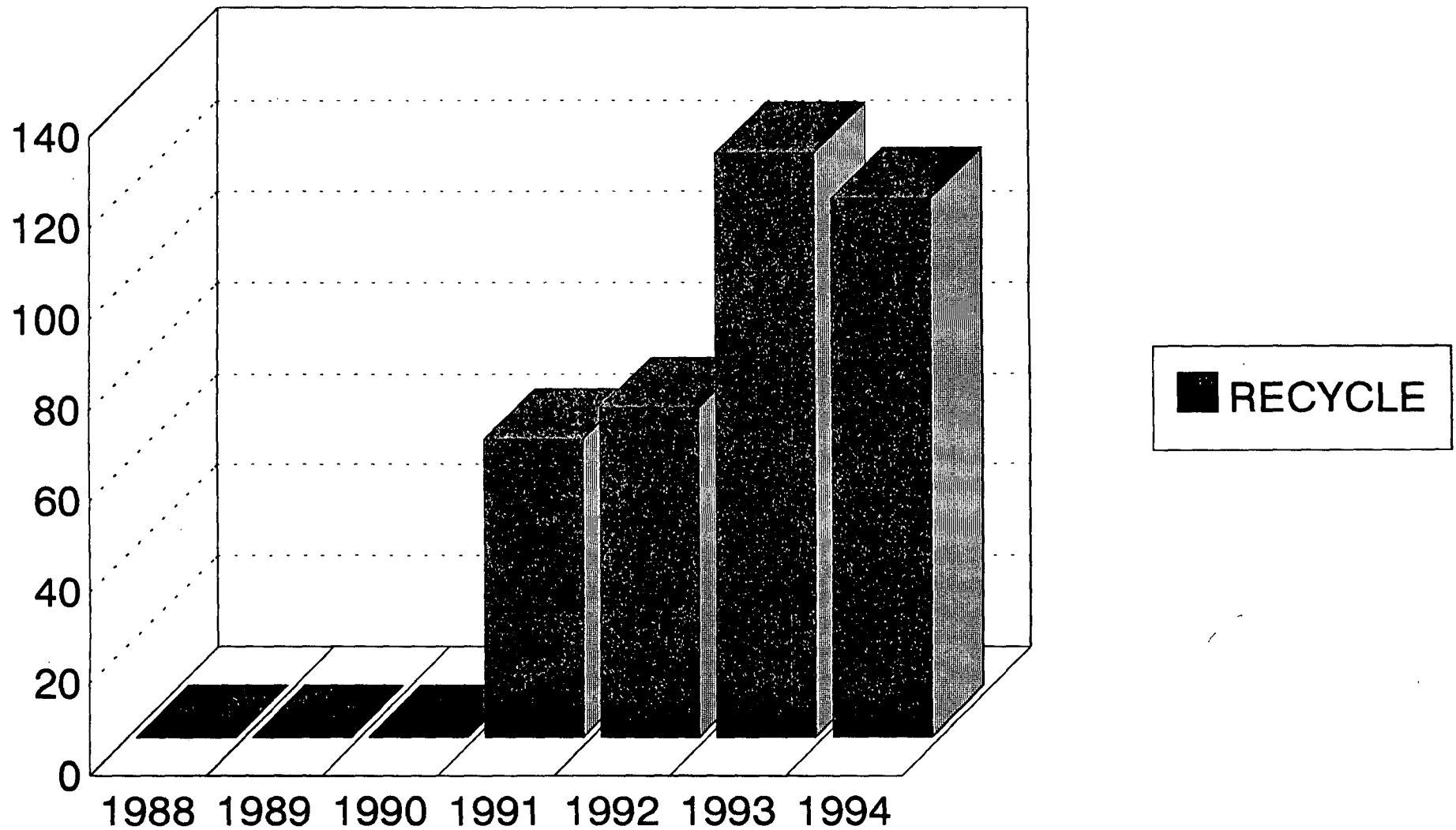
1994 ONLY THRU MAY 30

STICKERS SOLD



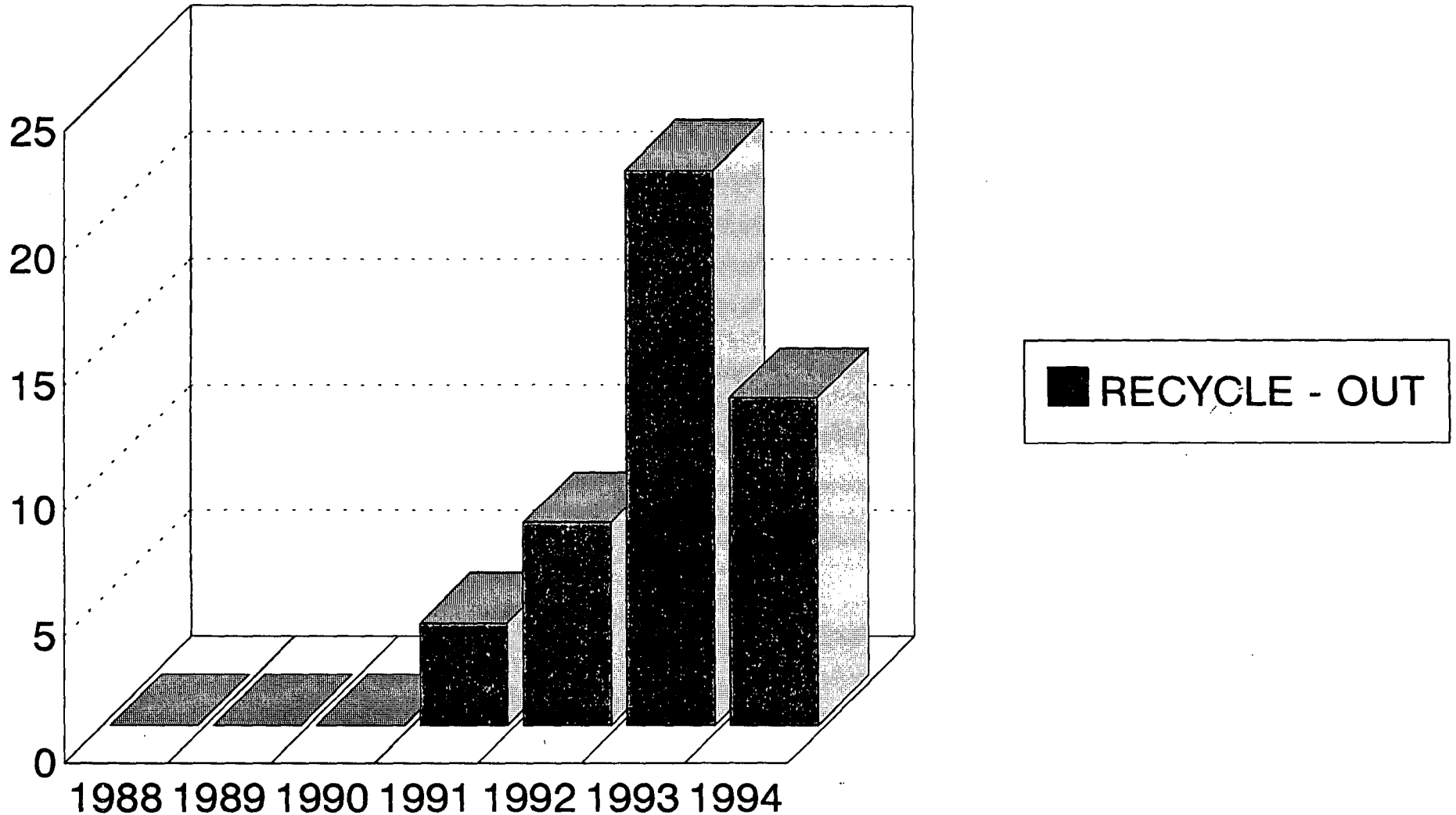
1994 ONLY THRU MAY 30

STICKERS SOLD



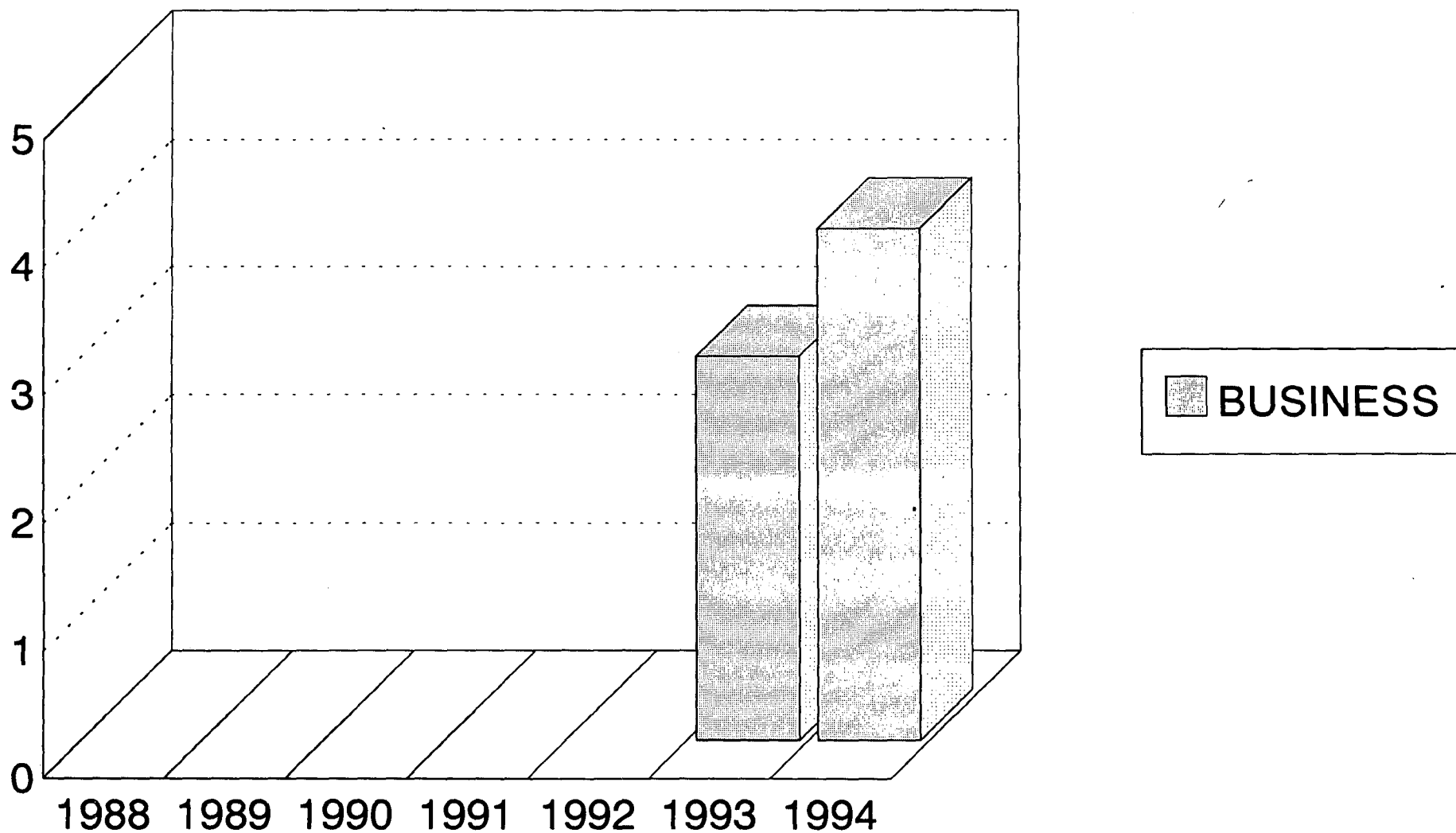
1994 ONLY THRU MAY 30

STICKERS SOLD



1994 ONLY THRU MAY 30

STICKERS SOLD



1994 ONLY THRU MAY 30

FY95 FUNDING

BASED UPON THE FINANCIAL PLAN

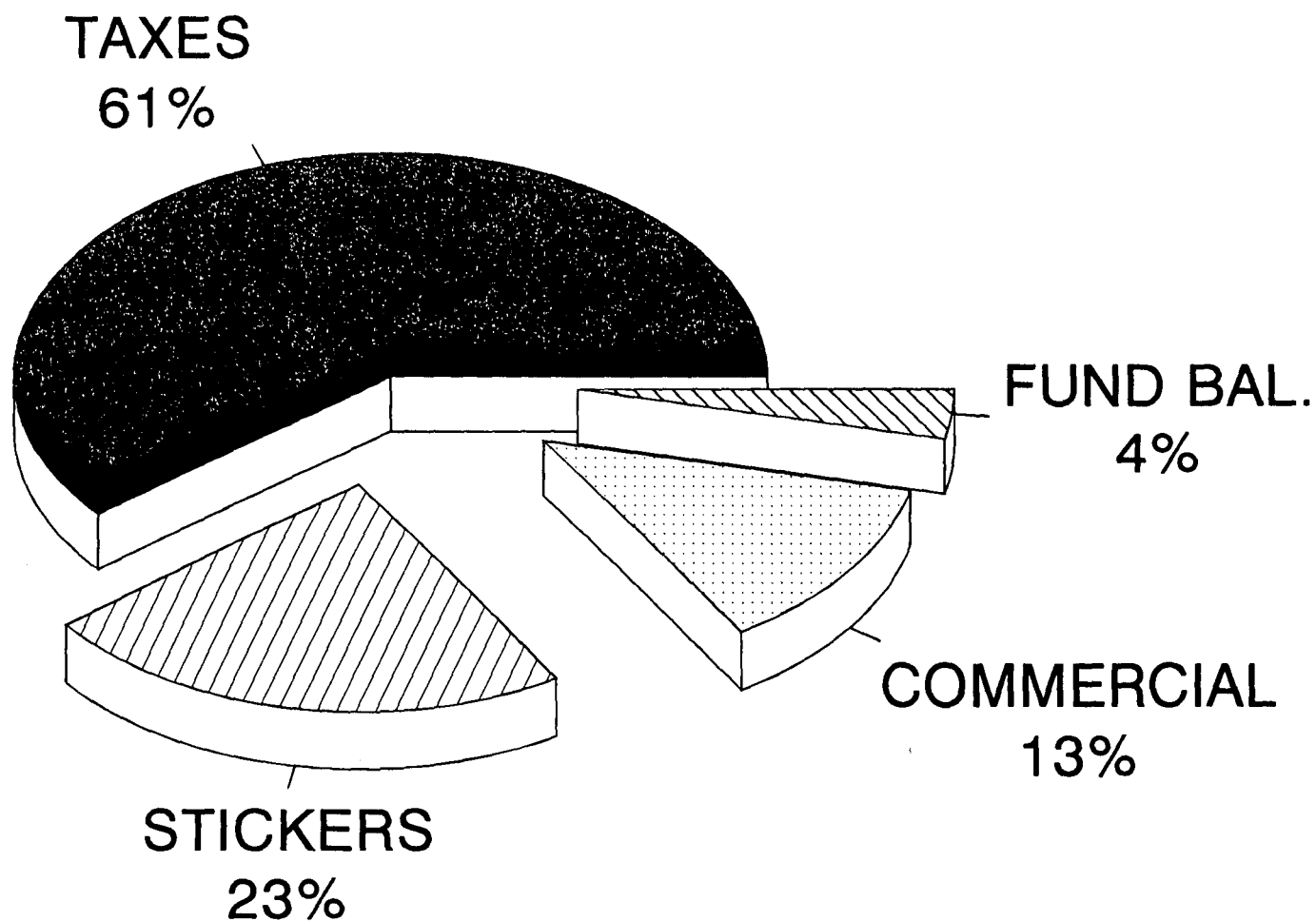
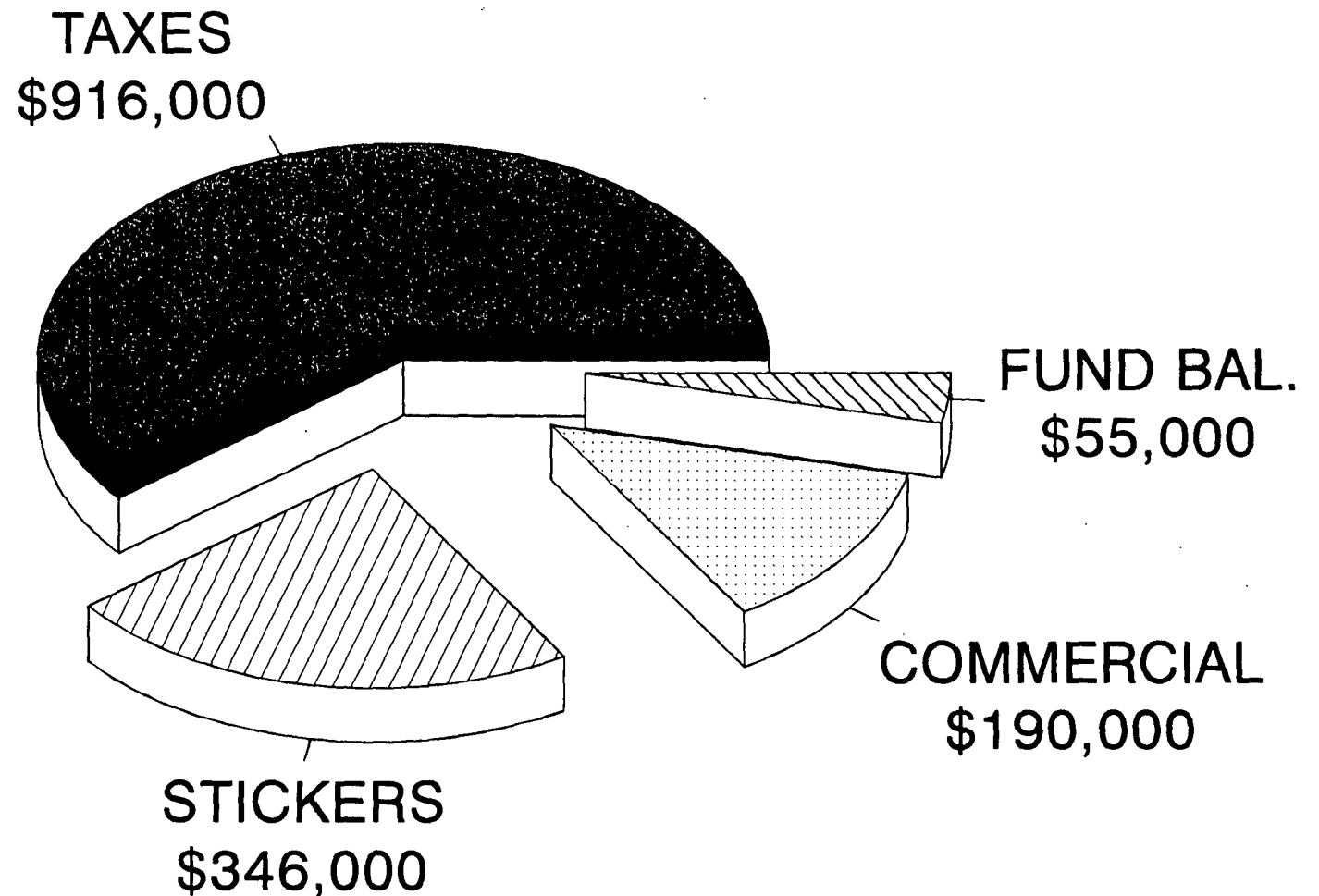


Exhibit 3A

FY95 FUNDING

BASED UPON THE FINANCIAL PLAN



EFFECTIVE JULY 1, 1993
HOURS OF TRANSFER STATION & RECYCLING CENTER

SUNDAY	CLOSED
MONDAY	CLOSED
TUESDAY	8:00 - 3:00
WEDNESDAY	8:00 - 3:00
THURSDAY	8:00 - 3:00
FRIDAY	7:00 - 3:00
SATURDAY	7:00 - 4:30

STICKER FEES - NORMAL TRASH GENERATED BY EVERYDAY USAGE

<u>STICKERS</u>	<u>PRICE</u>
First Sticker	\$100.00
Second Sticker	\$20.00
Senior Citizen Sticker (65 Years of age or older - 1928)	\$30.00
Replacement Sticker	\$5.00
Recycling Only Sticker	\$30.00
Out of Town Recycling Only Sticker	\$60.00
Business Sticker	\$10.00 + Market Rate/Volume

MAY 1, 1994 - STICKERS PRO-RATED TO HALF PRICE

COUPON FEES - ATTIC, CELLAR, GARAGE, BARN & YARD CLEANING
RENOVATION & CONSTRUCTION DEBRIS

<u>GROSS VEHICLE WEIGHT LIMITS</u>	<u>PRICE</u>
Resident - No Sticker - Per Trip (Passenger Vehicle)	\$10.00/Trip
Small Trailers & Small Pickups	\$10.00/Load
Mid-Size Pickups & Vans	\$20.00/Load
All Other Commerical Vehicles By Volume	\$30.00/Cu. Yd.
Packers	MARKET PRICE/Cu. Yd.

APPLIANCES, FURNITURE, FIXTURES, ETC.

Small Items	\$3.00
Large Items	\$12.00
Freon Items	\$20.00

Small Items Include: Lawn mowers, snow blowers, tires, batteries, small sinks
toilets, vanities, rugs, bicycles, gas grills, etc.

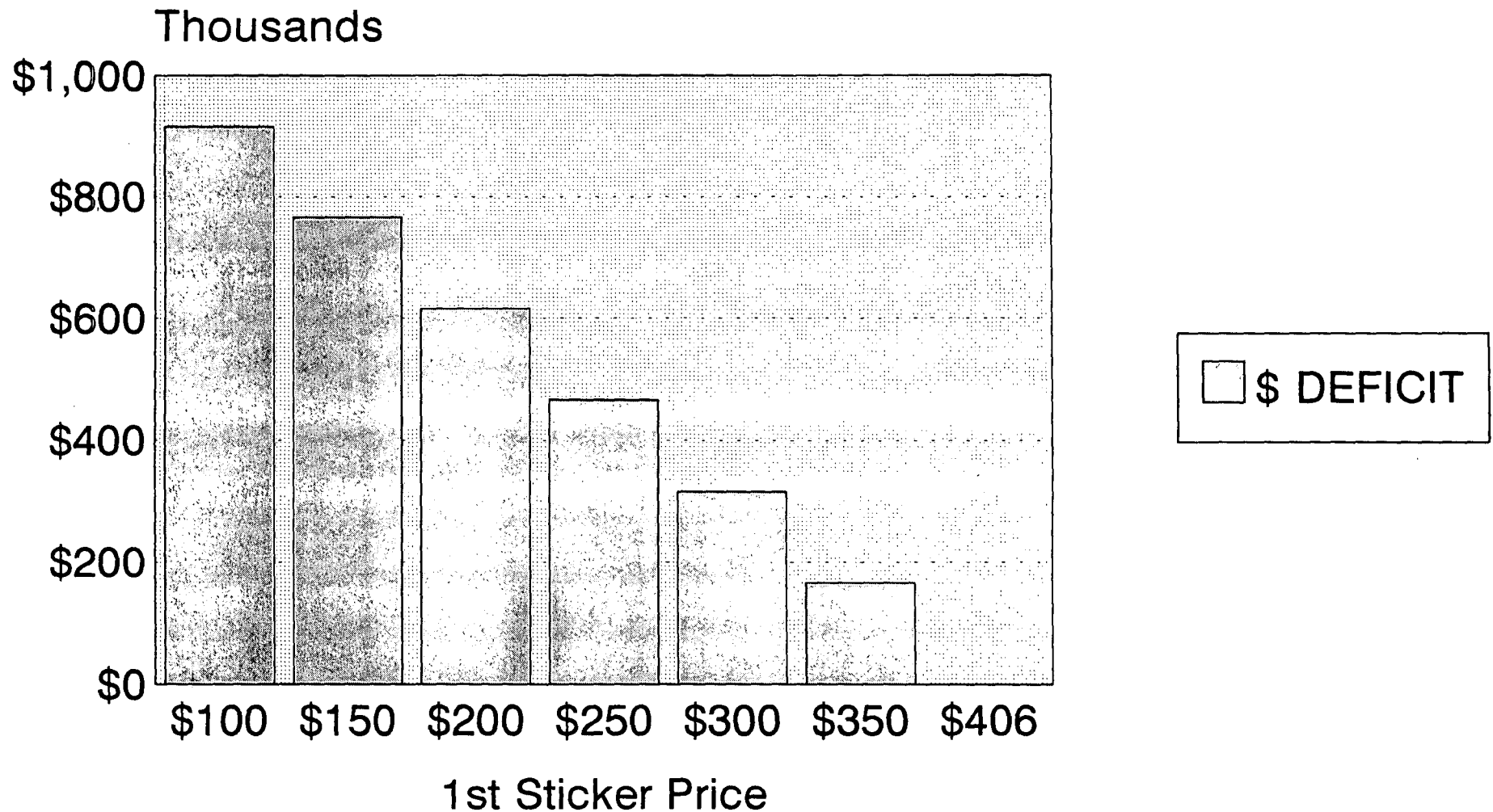
Large Items Include: Stoves, dishwashers, dryers, water heaters, furnaces,
T.V.'s, boxspring/mattresses, sofas, dressers, day beds,
chairs, recliners, desks, cast iron sinks, washers,
bathtubs, etc.

Freon Items Include: Refrigerators, freezers and air conditioners

NOTICE: ALL REFUSE MUST BE ACCEPTABLE WASTE AS DETERMINED BY THE HWY. SUPT.
326

FY95 REVENUE DEFICIT

Supported by Taxes



6/7/94 (20)

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 5/25/94

TO: Don Johnson, Town Manager

FROM: Roland Bartl, Town Planner

R.B.

SUBJECT: Kelley's Corner CDC (Concentrated Development Center)

In February 1992, the Town nominated Kelley's Corner for designation as a Concentrated Development Center under the Metropolitan Area Planning Council's regional plan, MetroPlan 2000. On May 23, 1995, the Planning Board voted to recommend expansion of the Kelley's Corner CDC based on the Planning Department's recommendation. The basis for this recommendation and a map of the proposed area are attached for your convenience. The Planning Board also agreed that the scope of the Kelley's Corner Plan should be expanded to cover the proposed CDC in its entirety.

The original CDC nomination was made by vote of the Board of Selectmen; therefore, the proposed change in the Kelley's Corner CDC also requires a vote of the Board. I ask that you please bring this proposal to the Board as soon as possible so that we can begin formation of a study committee for the Kelley's Corner Plan.

If you have any questions or require additional information concerning this proposal, please do not hesitate to contact me.

dw11.228

CHRIS -

PLS. ASK ROLAND FOR ADD'L COPIES OF
THE MAP SO WE MAY ATTACH A COPY TO
EA. BOS' PKG.

PLACE THIS UNDER T.M. REPORT FOR 6/7. MTG.

Requested by phone 6/1

INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board

DATE: May 20, 1994

FROM: Roland Bartl, AICP, Town Planner *R. 13.*

SUBJECT: Kelley's Corner CDC (Concentrated Development Center)

About 2 years ago this department nominated the Kelley's Corner District, along with the four village centers as CDCs under MetroPlan 2000.

MetroPlan 2000 is the regional plan put together by the Metropolitan Area Planning Council (MAPC). The idea is that MetroPlan CDCs would become preferred infrastructure funding targets. CDCs must meet certain criteria for density, existing infrastructure, municipal services and access. These criteria are still being debated, but clearly their thrust is channelling future development into existing centers (and possibly a few new center) rather than continuing the past practice of sprawl throughout the region. Selecting CDCs for public infrastructure funding would put the money where the regions mouth is, so to speak. The success of this program will largely depend on the level of influence that MAPC can exert on State agencies who control infrastructure and transportation monies. The verdict on this is still outstanding.

In any case, we have submitted the CDC nominations. To date, MAPC has not acted on any of them. I understand they are overloaded with many more nominations than expected. Nominations would be accepted on the basis of how well the proposed CDC fits in with MetroPlan goals.

We would like to discuss with the Board a possible expansion of the Kelley's Corner CDC. The original nomination included only the KC Zoning District. Our proposal is to expand the Kelley's Corner CDC to reach from Hosmer Street all the way to the Haartz factory on Hayward Road, as shown on the attached map. The reasons, briefly, are

- the large potential of the soon to be vacated Auto Auction property;
- the uncertain state of the old DEC facility;
- Haartz has signalled expansion needs;
- Kelley's Corner business properties, and the schools have septic problems, whereas on the other end, the auto auction land appears to be nothing but a huge sand pit;
- Rt.2 access issues trouble the entire area from Hosmer to Haartz, a joint solution might be easier to find;
- the expanded area might also be more viable as a CDC in the eyes of MAPC.

Logically, if we decide to look on this area in a new and expanded way, the scope of our upcoming Kelley's Corner Plan should also expand accordingly.

If you agree with this concept, we would like to propose it to the Board of Selectmen with your blessing.

Boxborough



6/7/94
(21)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 3, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Available FY94 Year End Funds

We have reviewed the Town Budget status as of Tuesday, May 31, in order to make appropriate year-end recommendations to the Board. We have reviewed programs in progress and anticipated the needs of all departments for the balance of the year (including reserves for contractual settlements).

As you will recall, a number of adjustments were made in April to cover unanticipated expenses that had occurred during the year (see attached copy of John Murray's memo of 4/4/94 regarding the transfers from Free Cash at this year's Annual Town Meeting). These adjustments have been taken into consideration as part of this analysis.

It is our anticipation that most accounts will net to approximately \$0 by June 30, with the following exceptions:

<u>BUDGET</u>	<u>OBJECT</u>	<u>ANTICIPATED</u>	<u>BALANCE</u>
1.	Insurance	\$92,000	
2.	Veterans Services	5,000	

3.	Police	15,000
4.	Dog Officer	5,000
5.	Building Inspection	23,000
		<hr/>
		\$140,000

The explanations for the availability of these monies are as follows:

1. Insurance: This surplus developed primarily as a result of the number of vacancies and/or personnel who did not take the Town's health care plan this year.
2. Veterans' Services: We did not have as many service requirements this year as anticipated.
3. Police: Three of our Police Officers transferred to other departments during the year. The time delay in filling these positions yielded the available monies.
4. Dog Officer: This is a contracted service.
5. Building Inspector: We were able to squeak by with reduced staffing and part time help again this year.

We must hold monies in reserve for any potential situations such as a major fire that might cause a large, unexpected expense on the last day of the fiscal year. For that purpose, I would recommend that we retain \$40,000 as a cushion against the unexpected. This would allow us to safely consider that \$100,000 is available for use from the noted savings that we have achieved throughout the year.

After consideration of the many opportunities that might be available to us at this time, I would strongly recommend that the Board authorize staff to use this \$100,000 for roadway repairs. We are about to launch a program that will help regain a portion of the paving deficit that has accumulated in recent years. Dick Howe has indicated that these monies would allow him to get an early start with preparation of road surfaces (grinding, crack filling, raising catchbasins and drainage structures, etc.) and, obviously, provide for additional surfacing. By my calculations, this would allow us to gain approximately 1.5 to 2.0 miles on the deficit we described at Town Meeting.

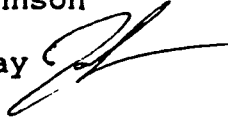
I urge the Board to allow us to put these monies toward this critical infrastructure need.

A handwritten signature in black ink, appearing to be 'Don' with a stylized flourish above it.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: 4/4/94

TO: Don P. Johnson

FROM: John Murray 

SUBJECT: Free Cash

Our Certified Free Cash number is \$165,218.

Our plan transfers are as follows:

1. \$31,422 for A-B Regional FY94 Ed. Reform Deficit
2. \$133,796 (\$165,218 - 31,422) Snow and Ice Deficit

Snow and Ice Deficit:

1. Budget Deficit	\$ 190,600
Less Add'l State Aid	\$ 30,561

Net Deficit	\$ 160,039
Less Free Cash	\$ 133,796

Deficit from Operations	\$ 26,243

Operations Recap:

Freeze Savings	\$150,000
Fire Truck Lease	(52,000)
Highway Car	(16,000)
Main St. Culvert	(28,000)
Snow & Ice Deficit	(26,000)
	<hr/>
Net Surplus	\$ 24,000

Please Note: Surplus generated by Snow and Ice Aid which is not final at this time.

File Copy
6/7/94

NOTE TO BOS -

6/3

WE WILL BE ATTEMPTING TO
GAIN FEDERAL GRANT ASSISTANCE

Don P. Johnson IN A JOINT VENTURE W/LAU.
Town Manager

THIS MAY PROVE TO BE QUITE
INTERESTING. I WILL KEEP YOU
ADVISED OF OUR PROGRESS.

TOWN OF ACTON

472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

June 2, 1994

LAU Technologies
531 Main Street
Acton, MA 01720

Dear Gerald L. Byrnes:

The Town of Acton wishes to participate in the Technology Reinvestment Program (TRP) with Lau Technologies as part of its conversion from a defense business base to more diversified commercial applications. In particular, this partnership will work with pattern recognition software and its applicability to facial recognition in law enforcement applications.

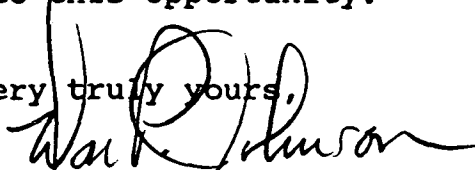
For the Town, this will specifically involve:

- The definition and refinement of a system specification
- The installation of a digital image capture system
- Capture of images in a law enforcement environment
- Facial recognition testing of suspect pictures with the database
- Evaluation of effectiveness of recognition software
- System enhancements from empirical evidence

The mutual efforts in this TRP partnership will benefit the enhancement of technology, local law enforcement efforts and a key corporate member of the community.

The Town of Acton looks forward to this opportunity.

Very truly yours,


Don P. Johnson
Town Manager

Town of Acton

472 Main Street Acton, Massachusetts 01720

Planning Department

(508) 264-9636

MAY 12 1994

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson

DATE: May 10, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: Kelley's Corner Plan

The Planning Board inquired last night about the proposed Kelley's Corner Plan:

Please refer to my IDC of April 6, 1994 in which I asked your feedback concerning two areas:

1. Do the Selectmen wish to be involved in the planning process, and if so to what degree? Do the Selectmen want to have the Planning Board handle this matter, including subcommittee appointments, as it was done in the West and South Acton Village Plans?
2. I proposed to use the \$10,000.00 appropriated at Town Meeting to leverage additional funds from the State's MIGS program. MIGS grant applications must be in by July, 1. The window of opportunity is closing fast. I need to hear from you soon, and the Planning Board is getting anxious, too.

I hope I did answer your question on the original IDC.

rkcp*3

6/3
BOS -

I HAVE INDICATED TO ROLAND THAT THEY SHOULD PROCEED AS WITH SOUTH & WEST PLANS. THIS QUESTION HAS COME BACK TO ME VIA A MEMBER OF THE BOARD SO I AM ADVISING YOU OF MY DIRECTION TO ROLAND ... IN CASE YOU WISH TO BE MORE INVOLVED IN THE KELLY'S CORNER PLAN THAN YOU WERE IN THE OTHERS. IF THAT IS THE CASE I WILL REVISE MY DIRECTIONS TO ROLAND.

PLEASE ADVISE ME IF YOU WISH TO HAVE A HIGHER PROFILE IN THIS ONE.

Don



SAL FULCHINO, Executive Director

Commonwealth of Massachusetts
COUNTY OF MIDDLESEX
MIDDLESEX COUNTY ADVISORY BOARD

494-4113

40 THORNDIKE STREET
EAST CAMBRIDGE, MASSACHUSETTS 02141

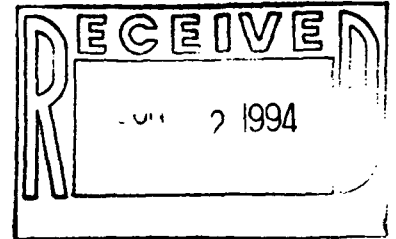
MEMORANDUM

DATE: MAY 31, 1994

TO: ALL MCAB MUNICIPALITIES

FROM: SAL FULCHINO, EXECUTIVE DIRECTOR *SF*

SUBJECT: MCAB VOTING MEMBERS



In the spring of the year, many municipalities have elections or change their committee assignments. Enclosed is the most recent list of voting members on the Middlesex County Advisory Board.

Every year your city or town pays an assessment for the operation of county government so it is important that you have a vote on how they spend the money. If the person on the list is no longer an elected official, or you have designated a new person as your voting member, please have them complete the enclosed form. Since last year it was necessary to have a meeting in July, please have the completed forms returned to me by June 20th. Thank you.

(3AMBRUPD.ATE)

CHRIS - PLS. CORRECT NORM'S TITLE w/THEM.
CC: BOS- FYI

Middlesex County Advisory Board
New Superior Courthouse
40 Thorndike Street
E. Cambridge, MA 02141

C	UNITY	TITLE	FIRST	LAST
A	N,	VICE CHAIRMAN, BOARD OF SELECTMEN	NORMAN	LAKE
ARLINGTON,		SELECTMAN	FRANKLIN	HURD, JR.
ASHBY,		CHAIRMAN, BOARD OF SELECTMEN	PAUL	JOHNSON
ASHLAND,		CHAIRMAN, BOARD OF SELECTMEN	BARRY	BRESNICK
AYER,		CHARIMAN BOARD OF SELECTMEN	STEPHEN	SLARSKY
BEDFORD,		SELECTMAN	WILLIAM	KING
BELMONT,		CHAIRMAN, BOARD OF SELECTMEN	WALTER	FLEWELLING, J
BILLERICA,		SELECTMEN	THOMAS	CONWAY, JR.
BOXBOROUGH,		SELECTWOMAN	LAURA	LYONS
BURLINGTON,		CHAIRMAN, BOARD OF SELECTMEN	RICHARD	WILDE
CAMBRIDGE,		CITY MANAGER	ROBERT	HEALY
CARLISLE,		SELECTMAN	WANDA	MILIK
CHELMSFORD,		SELECTMAN	JEFFREY	BREM
CONCORD,			CAROLYN	FLOOD
DRACUT,		SELECTMAN	WARREN	SHAW, JR.
DUNSTABLE,		SELECTMAN	ARCHER	DAVIS
EVERETT,		MAYOR	JOHN	MC CARTHY
FRAMINGHAM,		SELECTMAN	JOHN	STEFANINI
GROTON,		CLERK, BOARD OF SELECTMEN	RONALD	ENGLADEN
HOLLISTON,		CHAIRMAN, BOARD OF SELECTMEN	PETER	BARBIERI
HOPKINTON,		SELECTMAN	JOHN	HINCKLEY
HUDSON,		CHARIMAM, BOARD OF SELECTMEN	ROBERT	STEERE
LEXINGTON,		SELECTMAN	LEO	MC SWEENEY
LINCOLN,		SELECTMAN	HARRIET	TODD
LITTLETON,		SELECTMAN	PAUL	GLAVEY
LITTLETON,		CITY COUNCILLOR	GRADY	MULLIGAN
LITTLETON,		COUNCILMAN	STEPHEN	DUKEMAN
MARLBOROUGH,		COUNCILMAN	ROBERT	LE DOUX
MAYNARD,		SELECTMAN	KENNETH	DE MARS
MEDFORD,		CITY COUNCILLOR	ALFRED	POMPEO
MELROSE,		ALDERMAN, WARD 5	PAUL	FITZGERALD
NATICK,		VICE-CHARIMAN, BOARD OF SELECTMEN	MEL	WILLENS
NEWTON,		ACTING MAYOR	THOMAS	CONCANNON, JR
NORTH READING,		SELECTMAN	WILLIAM	SMITH
PEPPERELL,		SELECTMAN	BARRY	FULLER.
READING,		SELECTMEN	SALLY	HOYT
SHERBORN,		CHAIRMAN, BOARD OF SELECTMEN	JAMES	NORTON
SHIRLEY,		SELECTMAN	KYLE	KEADY
SOMERVILLE,		MAYOR	MICHAEL	CAPUANO
STONEHAM,		SELECTMEN	COSMOE	CICCARELLO
STOW,		SELECTMAN	LEONARD	GOLDER
SUDBURY,		SELECTMAN	LAWRENCE	BLACKER
TEWKSBURY,		SELECTWOMAN	JOAN	DUNLEVY
TOWNSEND,		SELECTMAN	FRED	DARLING
TYNGSBOROUGH,		SELECTMAN	ROBERT	WALLACE
WAKEFIELD,		CHAIRMAN, BOARD OF SELECTMEN	WAYNE	TARR
WALTHAM,		MAYOR	WILLIAM	STANLEY
WATERTOWN,		TOWN MANAGER	MICHAEL	DRISCOLL
WAYLAND,		SELECTMAN	MARY	ANTES
WESTFORD,		SELECTMAN	HAL	SCHREIBER
WESTON,		SELECTMAN	JOSEPH	MULLIN
WESTON,		SELECTMAN	ROBERT	CAIN
WILMINGTON,		SELECTMAN	STEPHEN	POWERS
WILMINGTON,		VICE-CHAIRMAN BOARD OF SELECTMEN	KEVIN	MC DONOUGH
WILMINGTON,		PRESIDENT, CITY COUNCIL		

Middlesex County Advisory Board

MEMBERSHIP FORM

DATE: ____/____/____

(PLEASE PRINT)

CITY OR TOWN: _____

NAME: _____

TITLE: _____

CITY/TOWN HALL ADDRESS: _____

HOME ADDRESS: _____

NIGHT PHONE #: ()-_____-_____-_____- DAY PHONE #: ()-_____-_____-_____-

CITY/TOWN PHONE #: ()-_____-_____-_____- FAX #: ()-_____-_____-_____-

Where do you want information sent? ☒ Home: ☐ City/Town Hall: ☐

MASSACHUSETTS GENERAL LAW STIPULATES THAT YOU MEET THE FOLLOWING REQUIREMENTS.

Chapter 35, §28B - (a) In every county there shall be an advisory board on county expenditures consisting of the city manager or his designee, who must be a member of the city council or board of alderman in a Plan D or Plan E city, or the mayor or his designee who must be a member of the city council or board of alderman in each other city, or any member of the board of selectmen of each town or any member of the town council in a town which does not have selectmen.

WHICH COMMITTEE WOULD YOU LIKE TO SERVE ON?

Budget: ☐ Personnel: ☐ Legislative: ☐ Audit: ☐

I am not interested in serving on a committee at this time: ☐

RETURN THIS FORM TO:

SAL FULCHINO, EXECUTIVE DIRECTOR
MIDDLESEX COUNTY ADVISORY BOARD
40 THORNDIKE STREET
EAST CAMBRIDGE MA 02141

(MEMBR.FRM)

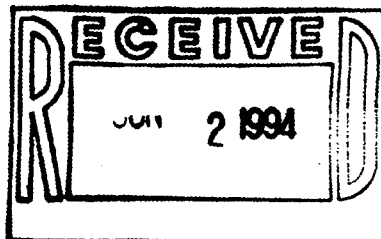
Water Supply District of Acton

TELEPHONE (508) 263-9107

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

cc: BOS

FAX (508) 264-0148



The Board of Water Commissioners will meet on the following
dates this summer.

May 31, 1994

June 27	-	7:30 p.m.
July 25	-	7:30 p.m.
August 22	-	7:30 p.m.

The meetings will be held at the Harlan Tuttle Building, 693
Massachusetts Avenue, Acton, MA 01720.



Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue
Division of Local Services

BULLETIN

May 27, 1994

cc: BOS
!!!

To: Mayors, Boards of Selectmen, Managers, Auditors/Accountants, Treasurers,
School Committee and Superintendent

From: Mariellen P. Murphy, Director of Accounts

Subject: Control of Overspending by Departments

We have become aware of an alarming trend in some municipal departments of incurring liabilities in excess of appropriations. Such instances are concentrated in but not limited to school departments. We would like to draw your attention to MGL Chapter 44, Section 31, which provides in part:

"No department financed by municipal revenue, or in whole or in part by taxation of any city or town... shall incur a liability in excess of the appropriation made for the use of such department, each item recommended by the mayor and voted by the council in cities and each item voted by the town meeting in towns, being considered as a separate appropriation, except in cases of major disaster..."

Overspending by schools may be a particular concern in the context of Education Reform, where the base spending requirement may be inflated by actual spending in excess of amounts appropriated.

MGL Chapter 44, Section 62 provides a penalty for any local official who knowingly violates the provisions of Section 31:

"...a fine of not more than one thousand dollars or ...imprisonment for not more than one year, or both; and the mayor, selectmen, prudential committee, or commissioners, shall, and five taxpayers may, report such violation to the district attorney who shall investigate and prosecute the same."

In addition to these possible punishments for the individuals responsible, there may be costly consequences for the city or town if such overspending occurs, such as a lowering of the bond rating.

Town accountants and city auditors may want to review their responsibilities with regard to this issue as contained in MGL Chapter 41, Section 58. In the case of McHenry v. City of Lawrence (1936), 295 Mass 119 at 122-123, the court offered the following guidelines:

"In determining whether a liability incurred is in excess of the departmental appropriation, the amount needed for the satisfaction of all pre-existing contracts, including the salaries for the whole fiscal year of persons already in office at the time of the incurring of the liability in question, must be deducted from the appropriation."
(Emphasis added.)

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

DRAFT

SELECTMEN'S MEETING

MAY 3, 1994

The Board of Selectmen held its regular meeting on Tuesday, May 3, 1994 at 8:00 P.M. Present were Norman Lake, F. Dore' Hunter, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson and Assistant Town Manager John Murray. {Representatives from cable were present}

CITIZENS' CONCERNS

Evelyn Olschewski, 77 Nagog Hill Road, introduced to the Board, David Pichadze, the new conductor of the Acton Chamber Orchestra. Mr. Pichadze introduced himself to the Board with a brief summary of his background. He also stated that his goal is to have more concerts in Acton.

Ms. Olschewski also stated to the public watching the meeting that they are always seeking volunteers to help with the concerts. Anyone interested may call Evelyn at 263-3673 or David at 264-4819..

CHAIRMAN'S MINUTE

Chairman Lake asked all Board members for their input on scheduling meetings throughout the summer. It was decided that the Board will meet May 17, June 7 & 21, July 12 & 26, and August 16 & 30.

Chairman Lake discussed whether or not the Board should take a position on the school's override vote. Mr. Johnson stated that the school was asked to attend tonight's meeting but declined due to the honor society's presentation that was previously scheduled for the same night. The Board members briefly discussed their feeling regarding the school's override.

DORE' HUNTER moved to take no position regarding the override. NANCY TAVERNIER - Second. 4-1 (Bill no).

Bill stated that he personally supported the override. He presented the Board with a copy of a letter to the editor that he was submitting to the Beacon and Acton Citizen.

Chairman Lake asked each Selectmen to pick their assignments for the year regarding which committees they would like to participate in.

CONSENT AGENDA

DORE' HUNTER - Moved to accept the consent agenda as printed. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

YOUTH SOCCER REQUEST - Acton-Boxborough Youth Soccer seeks permission to donate and install a well and an inground sprinkler system on the soccer field located at Concord Road. The well used by the sprinkler system will be an artesian well and will not impact the Town well water in any way.

BILL MULLIN - Move to approve installation of well and sprinkler system at the soccer field located on Concord Road. DORE' HUNTER - Second. UNANIMOUS VOTE.

FRIENDS ACTON LIBRARIES - The friends of the Acton Libraries seek permission to hold the annual used book sale on the grounds of the Acton Memorial Library and also would like permission to place a "sandwich board" sign advertising the event on Main Street.

NANCY TAVERNIER - Move to approve the request from the friends of the Acton Libraries to hold the annual used book sale on the grounds of the Acton Memorial Library and to display a "sandwich board" sign advertising the event on Main Street. DORE' HUNTER - Second. UNANIMOUS VOTE.

BOY SCOUT EAGLE COURT - Nancy to represent the Board.

PUBLIC HEARINGS & APPOINTMENTS

SITE PLAN SPECIAL PERMIT - 3/11/94-44 5-7 POST OFFICE SQUARE

Roy Smith is proposing a one-story wood frame building at 5-7 Post Office Square for a 120 child day care facility. Parking will be located on one side of the building and the classrooms will lead out to a secure area. Nancy Tavernier questioned Mr. Smith regarding the proposed development. Ms. Tavernier stated that the applicant decrease the driveway on the southwesterly side from 24' to 20' to allow for more green space, that more landscaping be added, there be a two way entrance and clear marking of this would be necessary and lastly the detention basin located on site would have to be secure.

Mr. Smith stated he had no problems with addressing these issues. There was discussion regarding fencing the detention pond. Presently there is no outlet for the pond, however, if an outlet were installed then the depth of the pond would at no time be greater than 12". Ms. Tavernier stated that regardless of the depth she would still be concerned for child safety and that fencing would be a better alternative. Mr. Smith is also seeking a waiver from the traffic study, staff has no problem with this as long as the traffic light is installed at the corner of Main Street and Post Office Square. Ms. Tavernier stated that the traffic light be installed prior to occupancy of day care facility. Mr. Smith stated that there have been some delays and that work on the traffic light should begin sometime around the week of July 11, 1994.

Selectmen will meet on this at their next meeting.

NANCY TAVERNIER - Move to take site plan 3/11/94-44 5-7 POST OFFICE SQUARE under advisement. DORE' HUNTER - Second.
UNANIMOUS VOTE.

SELECTMEN'S BUSINESS (CON'T)

MUNICIPAL FORUM DISCUSSION - Don Johnson discussed the status of municipal forum meetings. Don stated that meetings should be conducted quarterly with the Finance Committee, Selectmen, and School Committees with the possibility that the chairman of the committees meet more regularly and staff meetings as needed. All the selectmen agreed to this type of meeting schedule. Norm Lake stated he would speak with the chairman of the other committees to see how they felt regarding a meeting schedule.

WATER DISTRICT - VISION FOR FUTURE - The water district has notified us that the state is talking about controlling Acton's water usage. There was some discussion as to whether or not this would control Acton's growth. This will be presented to the Board again in the near future.

TOWN MANAGERS REPORT

DONATION OF LAND - The Town has received a request from Homer C. Feltus to donate a parcel of wetlands adjacent to Mt. Hope Cemetery. The Selectmen have been asked to accept this parcel of wetlands for general municipal purposes.
BILL MULLIN - Move to take land for general municipal purposes.
NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SPRAYING - The Board received a letter from the Conservation Commission stating that they voted to exclude spraying of conservation land. The Selectmen questioned whether the Conservation Commission had the right to exclude spraying of Town conservation land.

The Board adjourned at 10:05 P.M.

Clerk

Date

Sheryl Ball
Recording Secty.
abW11-(19)

April 29, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

MAY 3, 1994

Note: Meeting will begin at 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:45 SITE PLAN SPECIAL PERMIT-3/11/94-344 5-7 POST OFFICE SQ.
Enclosed please find application and staff comment for Board review and action.

III. SELECTMEN'S BUSINESS

2. FRIENDS ACTON LIBRARIES - Enclosed please find a request from the Friends to hold the Annual Used Book Sale on the grounds of the Acton Memorial Library for Board review and action and also a request to display a "Sandwich Board" sign on Main Street.
3. YOUTH SOCCER REQUEST - Enclosed please find a request and backup along with staff comment regarding the donation of a sprinkler system for the Concord Road field for Board review and action.
4. BOY SCOUT EAGLE COURT - Enclosed please find an invitation to a court of Honor for Jason Sharpe on June 2nd. for Board assignment.
5. DISCUSSION of MUNICIPAL FORUM

IV. CONSENT AGENDA

6. ACCEPT MINUTES - Enclosed please find minutes for the March 15, April 4, April 5, April 6, 1994 meetings for Board acceptance.

7. FOOD DONATION - Enclosed please find a request from the Acton Food Pantry to hold a collection of non-perishable foods at the May 17th election, for Board action.
8. BETSY BALL FUND - Enclosed please find two requests for funds form the Betsy Ball Fund for Board Action.
9. TOWN FAIR - Enclosed please find a application for the Annual Town Fair from the Lions Club for Board action.

V. TOWN MANAGER'S REPORT

10. DONATION OF LAND - Enclosed please find a request for Town acceptance of a parcel of land and staff comment. I will update the Board on Tuesday evening.

VI. EXECUTIVE SESSION

MEETINGS

11. Enclosed please find an invitation from Carol Stone to attend the planting of a New Tree at the Liberty Tree House on May 3, 1994 at 10:00 A.M. Details are included in the invitational letter.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

May 17

Starts at 8:00 - Boston Edison
ScupperJack's
ACHC
Acton Convenience

May 31 - Liquor Outlet
Golden Bull

June 14 - Crossroads
Site Plan - Savory Lane- 251 Arlington St.

June 28 -

836 acs

Draft

SELECTMEN'S MEETING
MAY 17, 1994

The Board of Selectmen held its regular meeting on Tuesday, May 17, 1994 at 8:00 P.M. Present were F. Dore' Hunter, William Mullin, Nancy Tavernier, Norman Lake, Wayne Friedrichs and Town Manager Johnson.

{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

PUBLIC HEARINGS AND APPOINTMENTS

BOSTON EDISON
STRAWBERRY HILL ROAD

WILLIAM MULLIN - MOVED to approve - Dore' Hunter - Second.
UNANIMOUS VOTE.

BOSTON EDISON
WOODCHESTER DRIVE

WILLIAM MULLIN - MOVED to approve - Dore' Hunter - Second.
UNANIMOUS VOTE.

BOSTON EDISON
HARRIS STREET

DORE' HUNTER - Moved to approve - WILLIAM MULLIN - Second.
UNANIMOUS VOTE.

SCUPPERJACK'S
LIQUOR VIOLATION HEARING

Jack Mendosa, owner and Manager of the ScupperJack's spoke to the Board about the incident and explained the background of the sale to the minor. He apologized for the infraction and outlined the steps he is taking to insure that it won't happen again. The Board asked that Mr. Mendosa submit his explanation of what happened and his remedial proposal in writing to them for his Liquor License file.

X⁰ DORE' HUNTER - Moved to instruct the Town Manager to issue a letter ScupperJack's expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

ACTON COMMUNITY HOUSING CORPORATION

Nancy Tavernier outlined the need to determine the role of the ACHC as they relate to financial issues. ACHC is in the process of finding out how they can become more effective and to carry out their charge of providing affordable housing in Acton.

Peter Berry spoke about the current corporate structure and problems associated with the Adams Street proposal, their future efforts and their accountability. It was decided to begin preliminary discussions to change the structure of the Corporation to make them fit better into Acton's town government. They suggested we fashion them much like Lexington has done under their LexHab program. Betty McManus said they will be meeting with Lexington to find out how it is working for them, but felt we should pursue the Home Rule Petition which would give them greater legitimacy. They would then be appointed by the Board of Selectmen and projects would be submitted to the Board of Selectmen for approval.

Conceptually, Dore' felt it was a good idea. Bill felt the Board should pursue a Home Rule Petition. Nancy wanted ACHC to continue while this was being pursued. They currently are reviewing Acorn Park and Newview and hopes the Planning Board will take their direction and ask that the Board of Selectmen accept monies derived from those negotiations. Bill commended them for their efforts and urged them to keep up the fight.

NANCY TAVERNIER - Moved to work with ACHC and Town Counsel to develop a Home Rule Petition as it exists in Lexington as LexHab to be ready for the next Town Meeting. WILLIAM MULLIN - UNANIMOUS VOTE.

ACTON CONVENIENCE STORE LIQUOR HEARING

Sam Hantzis, Owner and Manager of the store apologized to the Board and further stated that all of his employees are Tips trained but would be retraining them in June. He has installed video cameras and reviews the tapes to ensure that proper procedure is being followed. He and his wife operate the business and were very upset when they heard of the violation. They have instituted formal staff meetings to discuss and remind the employees of the importance of checking I.D's.

Dore' reiterated the problem of teenage drinking and cautioned that violations were taken very seriously in Acton. He also asked that parents become involved with this problem. He suggested language for the motion that would require the employee be terminated if he/she sold to underage customers as well as lifting or suspension of the license. Bill felt that the motions should not have reference to termination that he was sure that

the Manager would be letting the employee go if his license was revoked for cause. Dore' felt that it would be a control device to control the source of the violation, but withdrew the wording pertaining to termination.

The Board asked that Mr. Hantzis to submit his explanation of what happened and his remedial proposal in writing to them for his Liquor License file.

DORE' HUNTER - Moved to instruct the Town Manager to issue a letter to Acton Convenience Store expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the Consent Calendar as printed with #15 and #16 held for discussion. -WILLIAM MULLIN - Second. UNANIMOUS VOTE.

#15 Bill questioned the gift of the fountain for the Goward Field Tot Lot. He wanted to be sure that no ethical situations could/would occur with regard to gifts. Don assured him that we are gifted many items such as the wall in front of the library, the transfer station shed, police items and no special service or advantages are rendered with regard to acceptance.

Item 16 - Dore' thought that a bylaw should be looked at to regulate this type of activity or other activities on Town controlled property in the future. The Board after discussing decided that at this time it would not be necessary. The Board asked the Town Manager to send the applicant a letter outlining the rules associated with the permission.

SELECTMEN'S BUSINESS

OVERRIDE DISCUSSION - Bill articulated his disappointment with the failure of the override. He thanked those who had given the question serious thought for their effort. He also commented on recent letters to the editor that made fun of parents wanting a good education for their children, he also commented on the signs that were posted around town on public shade trees and Edison poles, and in particular the spelling/grammar errors and misinformation contained on them.

Dore' felt that this override was a two step process. Presentation had been made to Town Meeting, and approved, then the question was put on the Ballot for approval. He had assumed that a public education process would have been prepared to update those that had not attended Town Meeting. He felt that the case must be made to citizens at Town Meeting and by public

education to help all voters to understand the issues to show them why they should vote to raise their taxes. Nancy agreed, she too had expected a townwide mailing. She felt that it was not an anti-education vote. She feels it is a local economic concern, she felt people just can't afford to pay the extra money. She was urged people to write the legislators to reallocate money for education.

Issues of Growth Project - Nancy discussed the recent meeting and said that growth was a main concern of Boards. They are looking for endorsement by the four major boards in hopes to bring several hundred people together and hold a town-wide conference.

Bill asked how this related to the Master Plan. Nancy said it was more a subjective exercise and not just zoning, it is not intended to be a land use discussion. Dore' felt it would enhance the non-zoning sections of the Master Plan but it must be viewed as an extension to the current Master Plan.

BILL MULLIN - Moved to as a Board given the Acton issues of Growth results be shared and treated as a potential update and extension to the in place Master Plan.

WATER COMMISSIONER'S - DORE' HUNTER - Moved to instruct the Town Manager to set-up a Meeting with the Commissioners to meet independent of this Board on a date except June 7th, at the Water District offices. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Early Retirement Incentive Issue - The issue is still outstanding and Isa has indicated that Mac Reid is doing analysis. They want their accounting people to look at it when it is complete. Don will update the Board as issues arise and become clarified. Isa as asked for a Special Meeting. Nancy asked if the School Committee had signed an agreement absorbing total liability either directly or indirectly with regard to this issue. The Board noted that they would be inclined to support if signature was in place. Bill urged the school to submit information to help them in making their decision.

TOWN MANAGER'S CONCERNS

Site Plan Amendment - Massachusetts Ave. Finast Plaza - Don spoke to the proposed site plan amendment. He felt it could be treated as a minor site plan amendment and urged the Board's approval. The improvements proposed would make the site much safer and more attractive and has been reviewed with the Building Commissioner..

DORE' HUNTER - Moved to approve as presented, further to authorize the Chair to sign on behalf of the board when changes were incorporated. BILL MULLIN - Second. UNANIMOUS VOTE.

EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of discussing Collective Bargaining issues.

Roll Call was taken all ayes.

The Board adjourned at 10:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(514)

EXECUTIVE SESSION
MAY 17, 1994

COLLECTIVE BARGAINING

Don reported on recent negotiations with Fire. Don noted that the school has given 3% with a 5% insurance give back. Don wants to know before e spends money on mediation what the Board wanted him to do.

Dore' felt inclined to let it play out. If they go to mediation so be it.

The Board adjourned at 10:30 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(514)

MAY 13, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

MAY 17, 1994

Note: Meeting will begin at 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:01 BOSTON EDISON - STRAWBERRY HILL ROAD - Enclosed please find notice and staff comment regarding this Petition for Board Action.
2. 8:02 BOSTON EDISON - WOODCHESTER DRIVE - Enclosed please find notice and staff comment regarding this Petition for Board Action.
3. 8:03 BOSTON EDISON - HARRIS STREET - Enclosed please find notice and staff comment regarding this Petition for Board Action.
4. 8:15 SUPPERJACK'S - Liquor license violation review
5. 8:30 ACTON COMMUNITY HOUSING CORPORATION - Enclosed please find materials for Board review and discussion.
6. 9:00 ACTON CONVENIENCE STORE - Liquor license violation review. Please see report information from Item 4.

III. SELECTMEN'S BUSINESS

7. Issues of Growth Project - Enclosed please find the summary and proposal for Board discussion.
8. Water Commissioners Communication from the Water District - Enclosed please find correspondence.

IV. CONSENT AGENDA

9. ACCEPT MINUTES - Enclosed please find minutes for the March 29 and April 19, 1994 for Board acceptance.

10. AMENDMENT TO SITE PLAN SPECIAL PERMIT #6/13/94-131 - Enclosed please find a request for amendment and staff comment regarding changes to David's Bistro, 452 Great Road for Board action.
11. SITE PLAN SPECIAL PERMIT #3/11/94-344 - ROY SMITH, Day Care Facility 5-7 Post Office Sq. - Enclosed please find the draft decision for Board action.
12. ACCEPT GIFT - Enclosed please find a request to accept the two gifts of money to be used by the West Acton Citizens Library for Board action.
13. ACCEPT GIFT - Enclosed please find a request from Conservation Administrator for acceptance of trees to be planted at the Arboretum for Board action.
14. ACCEPT GIFT - Enclosed please find a request from Municipal Properties Director for acceptance of anonymously donated trees to be planted on Town property for Board action.
15. ACCEPT GIFT - Enclosed please find a request from Municipal Properties Director for acceptance of a water fountain for Goward Field for Board action.
16. COMMUTER LOT - Enclosed please find a request and staff comment regarding the proposed coffee service at the Commuter Lot for Board action.
17. Snow & Ice Deficit - Enclosed is our notification from DOR of additional stabilization Aid to be applied toward our FY1994 Snow and Ice deficit, per Town meeting plan.

V. TOWN MANAGER'S REPORT

18. Site Plan Amendment Mass Ave. - Enclosed please find staff recommendations for Board consideration.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

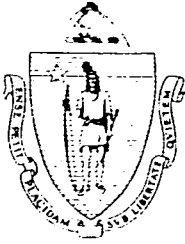
June 7 - (Tentative Appointments)

Crossroads, Liquor Policy review

Site Plan - Savory Lane- 251 Arlington St.

June 21 -

837 acs



cc: Bas

THE COMMONWEALTH OF MASSACHUSETTS

LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT BOARD

100 CAMBRIDGE STREET ROOM 903

BOSTON, MASSACHUSETTS 02202

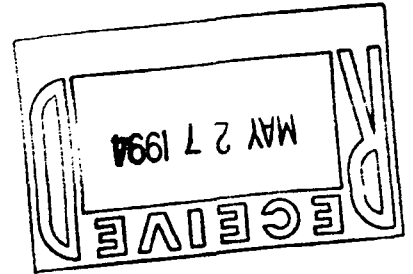
TELEPHONE: (617) 727-6018 FAX: (617) 727-6084

WILLIAM F. WELD
GOVERNOR

CHARLES B. KILLIAN
CHAIRMAN

CAROL C. AMICK
EXECUTIVE DIRECTOR

May, 1994



Dear City or Town Chief Elected Official:

This letter is to notify you of the publication of the Massachusetts Low-Level Radioactive Waste Management Plan and associated regulations. Under separate cover, we are sending these documents to your municipality's chief executive officer, but we will be happy to send you a second set if requested. We also wanted to bring you up to date regarding the forthcoming search for a centralized disposal site here in the Commonwealth.

The draft documents you may have received more than a year ago are now outdated; after revisions in light of public comments received by mail, by telephone, and at 17 public hearings and meetings held last year, the Massachusetts Low-Level Radioactive Waste Management Board and the state Departments of Public Health (DPH) and Environmental Protection (DEP) revised the documents and adopted them this past winter.

The documents, and the agency responsible for each of them (shown in parentheses), are:

- The LLRW Management Plan (Management Board). The two-volume Management Plan details options for long-term LLRW management and explains the need for dependable access to a disposal facility. Its recommendations include the minimization of LLRW and technical assistance to generators storing LLRW on their premises. It recommends grants to communities that wish to evaluate the potential economic impacts of having such a facility in their towns, and a system of property value guarantees. Also recommended is the segregation by short and long radioactive half-life of LLRW placed in a disposal facility, in order to enhance the safety and efficiency of any retrieval activity which may later be required.
- 345 CMR 1.00: LLRW Management Plan Regulations (Management Board). These regulations, contained in Volume II of the Management Plan as Appendix E, provide for the implementation of the LLRW management policies adopted in the Plan.
- 105 CMR 120.800: Licensing and Operational Requirements for LLRW Facilities (DPH). These regulations encompass

the licensing, development, operation, closure, post-closure observation and maintenance, and institutional control of any storage, treatment, or disposal facility for LLRW in Massachusetts.

- 105 CMR 120.890: LLRW Minimization Regulations (DPH). Immediately following the licensing and operational requirements (above), these regulations require minimization "statements" or "plans" to encourage LLRW generators to use fewer radioactive materials and/or types that decay relatively soon, and to otherwise minimize the amount of LLRW they produce.
- 310 CMR 43.00: Site Selection Criteria for LLRW Management Facilities (DEP). These regulations spell out methods to be used by the Management Board for statewide screening, for identifying potential sites, and ultimately for selecting a superior site, for an LLRW disposal, treatment, or storage facility in Massachusetts.
- 345 CMR 3.00: The Selection of Operators (Management Board). These regulations establish criteria for the selection of a company that would operate an LLRW facility.

On February 16, 1994, the Management Board voted to begin the siting process for an in-state disposal facility for LLRW. At the same time, the Board voted to keep seeking an out-of-state disposal agreement, a possibility that would make an in-state facility unnecessary. Nevertheless, the siting process is under way.

The siting process is a long and careful one. A new facility would not be ready to receive waste until the year 2000 at the earliest. No towns or regions in the state are being considered for the site at this early stage. The first major steps in the process, and the Management Board's estimated dates for them, are as follows:

- This summer and fall: Conducting meetings to get the public's ideas about the details of a "volunteer sites" program. The Board will develop a volunteer program which includes grants for communities wishing to evaluate the economic impacts of an LLRW disposal facility within their borders. A volunteer site would be subject to the same environmental criteria as sites chosen through the statewide screening process.
- This fall: Hiring an environmental consulting firm that will oversee statewide "screening," the deliberative process of eliminating areas that are environmentally unsuitable for a disposal facility and narrowing the search to suitable sites.
- 1995: Publishing a Statewide Mapping and Screening Report, which will eliminate, or "screen out," a sizable

portion of the state from consideration as a possible site.

- 1995 or 1996: Publishing a Possible Locations Report, which would "screen in" certain areas that appear to meet the state's environmental criteria for a possible site.
- 1996: Publishing a Draft Candidate Sites Report. This report would name two to five parcels of land in the Commonwealth as potential sites for a facility. In addition to going out for public hearings, this report would go to the Executive Office of Environmental Affairs for review of technical adequacy and conformance with siting criteria regulations.

There will be many opportunities along the way for the Board to reassess the situation, and public participation will be welcomed at every stage. The steps in the siting process are spelled out in M.G.L. Chapter 111H, the Massachusetts Low-Level Radioactive Waste Management Act. We hope that you will participate at some of our educational forums, volunteer program workshops, or other meetings around the Commonwealth. Please let us know of your interest.

LLRW takes many forms, and is the by-product of numerous activities in the Commonwealth, including the generation of electricity by nuclear power plants, the production of various products by commercial companies, and a diversity of medical and life-science research projects by hospitals, universities, and biotechnology companies. Nuclear power plants generate radioactively contaminated sludges and metals in the course of normal maintenance. Cloth, plastic, glassware, wood, and paper LLRW come from all categories of waste generators.

State law prohibits the landfilling, or "shallow land burial," of LLRW in Massachusetts. Shallow land burial is a disposal technique that has failed at some now-closed disposal sites in other states. The law requires the site community to choose the facility disposal method, which must include barriers, such as concrete vaults, to separate waste containers from the soil, and must enable the waste to be retrieved in intact containers, if necessary. In addition, the site community would choose the facility operator.

On the other "track," the Board will continue to pursue an agreement with another state or multi-state "compact" that is further along in its siting process and may have an LLRW disposal facility built within the next few years. Previous overtures to states and compacts have been unsuccessful, but it is possible that once new facilities are up and running, they will be more willing to open their gates to states such as Massachusetts. The high costs of LLRW disposal continue to spur generators to reduce their waste streams, so the first new facilities may have room for Massachusetts waste.

In the meantime, the generators of LLRW will store their waste on their own premises. More than 400 Massachusetts businesses and institutions are licensed to use radioactive materials. Of these, more than 250 generate LLRW, some of which is simply stored until its radioactivity has dropped to background levels. This is called "storage for decay." Other waste is long-lived enough to require long-term disposal. It, too, is already stored on site, often for months at a time, while awaiting shipment to an out-of-state disposal facility. In 1992, 106 Massachusetts generators shipped LLRW out of state. The use of radioactive materials results in over \$3 billion worth of economic activity annually in Massachusetts, and involves some 36,000 jobs.

Currently, most long-lived LLRW generated in the Commonwealth is shipped to a South Carolina disposal site, but after June 30 of this year, that site will only accept waste from southern states. Only one other disposal site is available to Massachusetts generators, in Clive, Utah. However, this site is restricted to accepting only LLRW with the lowest concentrations of radioactivity, and therefore will not solve the Commonwealth's disposal problem.

Although Massachusetts LLRW generators either presently have or can soon establish the on-site storage locations they will need to keep all their LLRW for longer periods, current guidelines published by the U.S. Nuclear Regulatory Commission discourage on-site storage for more than five years. Regardless of the limitations, on-site storage at 80 to 100 different sites in Massachusetts is not the solution to the LLRW problem, as the chance of an accident increases with the number of storage sites.

Please feel free to contact us if you have any questions or need any assistance.

Sincerely,

Charles B. Killian

Charles B. Killian
Chairman

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

Extra Consent
6/7

File
copy

6/7/94

DATE: June 6, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: MAGIC

The attached request for a letter supporting MAGIC's plans to apply for additional support from MAPC was inadvertently omitted from your weekend packet. Staff has prepared the attached draft letter of support, in anticipation that the Board will agree with the value of this proposal.

The proposal is summarized in the paragraph circled on the front page of the MAGIC letter.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Norman Lake, Chairman
Board of Selectmen

June 7, 1994

Mr. Richard Downey, Chairman
MAGIC
c/o Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Dear Mr. Downey:

The Acton Board of Selectmen is pleased to learn of MAGIC's proposed project which is designed to identify and address the many diverse economic development issues of the Minuteman Area. In 1991, Acton adopted a Master Plan in which five village centers were identified for future growth. Acton began the process of developing village plans for these growth centers in 1992; the West Acton Village Plan was adopted as an addendum to the Master Plan this Spring; the South Acton Village Plan is almost complete; and work on the Kelley's Corner Plan, the area most densely developed as a commercial center, has just begun.

MAGIC's plan to sponsor a forum of selectmen, business leaders, and planners to discuss the opportunities, strategies, fiscal impacts, and priorities of the area towns will be of significant value to the Town of Acton as we work to complete these planning documents and move forward in the process of designating these growth centers as Concentrated Development Centers under MAPC's MetroPlan 2000.

The Acton Board of Selectmen supports your efforts to address the economic development issues that are of vital interest to our community. We urge MAPC to award MAGIC the necessary technical expertise to complete this worthwhile project.

Sincerely,

Norman Lake, Chairman
Acton Board of Selectmen

dw11*241

MAGIC

Acton
Borborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION

A Subregion of Metropolitan Area Planning Council

May 20, 1994

Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770

cc: BOS

Norman Blake
Board of Selectmen
Town Hall
Acton, MA 01720

Dear Mr. Blake:

In response to strong subregional enthusiasm, MAPC is allocating increased resources to its subregions in the upcoming fiscal year. In addition to greater administrative support, MAPC is offering technical expertise for worthy planning or administrative projects. Subregions may apply on a competitive basis for staff time of up to \$25,000.

After lengthy discussion, MAGIC has decided to apply for assistance to address economic development issues such as the following:

- Do MAGIC communities want economic development?
- If so, what kind, how much, and where?
- What are the "siege points" that may warrant special attention (e.g., the Hanscom area if the base closes, the Marlborough-Hudson border, the Maynard Digital Plant)?
- What are the opportunities (e.g., vacant and underutilized sites)?
- What are the fiscal impacts of different types of development?
- Are there specific industries the towns want to attract?
- Is there an optimal mix?
- Are neighboring towns' priorities compatible or conflicting?
- Does the region have or want a special and/or marketable identity?
- What are the relevant properties, threats, opportunities, and resources?
- What strategies, information, organizations are necessary to achieve these ends?

Project activities might include a forum to bring selectmen, business leaders, and others together; extensive information gathering and analysis; an inventory of underutilized sites and participation in a referral service to market them; and a report of findings and recommendations.

Out of all this, we hope to be able to offer some concrete information that communities can use in their individual cases. It is not our intention to create another "Master Plan," but a regional action agenda that will be adaptable to our fast changing world. If "quality of life" is a combination of environment, economy, health, and education, then we must define it to achieve it. With luck, we can relate this broad goal to opportunities in existing but underutilized buildings, thus creating jobs with minimal impact. With population projections and other data from various sources, we should be able to make refined estimates of the number and types of jobs that would be needed to support the region. This should help us fill underutilized properties, plan for new construction (if needed), and allow us to put our zoning and land use ideas into an economic plan that will be beneficial to all.

MAGIC is looking for your ideas and your support in pursuing this project. **Please express your support by writing to MAGIC, c/o staff coordinator Judith Alland at MAPC, by June 6.** The group will finalize its project proposal at its next meeting on June 9 at 7:30 p.m. at Maynard Town Hall. We welcome your input at the meeting or in advance.

Sincerely,


Dick Downey
Chair

cc: MAPC and MAGIC Reps

EXTRA INFO. 6/7.

CC: BOS

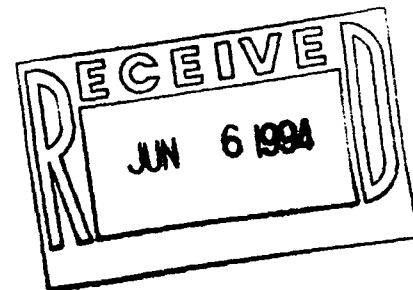
Library
Junior High School

ACTON SCHOOL COMMITTEE

June 9, 1994
7:45 p.m.

AGENDA

- I. CALL TO ORDER
- II. PRESENTATION OF CERTIFICATES *Drew Houston, Lowell Spelling Bee*
Kate Place, N.E. Math League Contest
Corey Thatcher, National Geographic Bee
- III. APPROVAL OF MINUTES OF MAY 12 AND 23, 1994, and STATEMENT OF WARRANT
- IV. CHAIRMAN'S INTRODUCTION (2 min.)
- V. EDUCATION REPORT - Japanese Language Program (15 min.)
Rosie Goulet and Akiko Sano
- VI. PUBLIC PARTICIPATION (10 min.)
- VII. OLD BUSINESS
 1. Confirmation of Regional Action
 - a) Vote on Custodial Contract, 1993-96
 - b) TEC Bids
 - c) Trash Removal Bid
 2. School Choice, 1994-95 (material to be brought to meeting)
- VIII. NEW BUSINESS
 1. Sexual Harassment Policy - First Reading
 2. Approval of Gift to Douglas School
 3. Leaves of Absence Policy - Second Reading
 4. ERI Status Report (oral)
- IX. FOR YOUR INFORMATION
 1. Gift to McCarthy-Towne School
 2. Draft of School Improvement Plans
 3. Report on Status of Merriam School Principal Search (oral)
 4. Appointment of Elementary SPED Chairperson
 5. Responses to Parent Letters
 6. Merriam School Community News
 7. School Council Minutes
 8. Douglas Digest
 9. Conant Current Events
 10. 1994-95 Transportation Projection
 11. School Object Report
- X. WARRANT DISCUSSION
- XI. CONCERNS OF THE SCHOOL COMMITTEE
- XII. NEXT MEETING - June 16, 4 p.m., #114 - School Committee Workshop
July 7 - Junior High School Library, after regional meeting
- XIII. ADJOURNMENT



the requirements of the new school finance law. School committees would be authorized to spend reimbursement amounts without municipal appropriation, and any such spending would not count toward meeting the "foundation budget" spending targets set under the new law. Under the section 297 rules, cities and towns would appropriate property tax and state aid dollars as they do now to pay for special education expenses, which are included in the spending target, but medical reimbursements would become discretionary revenues for the school committee to spend in addition to "foundation budget" spending. Under current law, Medicaid reimbursements are general fund revenues and may be used to meet the minimum required local contribution. In fact, some cities and towns appropriated these revenues for the support of schools this year and have budgeted amounts for fiscal 1995 as well.

The municipal Medicaid reimbursement program was established last year to provide financial assistance to cities, towns, and regional school districts with special education costs. The Department of Education estimates that more than half of all municipalities are eligible and that when fully implemented the program will provide more than \$35 million in reimbursements. In May, \$4.1 million was distributed to 32 cities and towns.

The MMA has argued that section 297 should be stricken, and that any Medicaid reimbursements related to special education costs should be used to defray the property tax contribution to this program, not to set up a discretionary fund for school committees. In addition, because special education expenses are included in the foundation budget, Medicaid reimbursements should be available to cities and towns for use in reaching the foundation amount, not for unrelated spending as would be required under section 297.

Excess Debt Service Amendment

Sections 261 and 262 would change the rules for calculating the relief from the required school spending amount that a city or town would be eligible for using the "excess debt service amount" factor under the new school finance law. The new rules would prevent most cities and towns from using this factor. This excess debt

factor was included in the law to allow cities and towns with high levels of debt service for school construction projects to count toward meeting the school spending target any debt service amount above the per pupil state-wide average. Under current law, any excess debt service amount is deducted from the "minimum required local contribution." Under sections 261-262, the "excess debt service amount" would be deducted from the "standard of effort." This limits the availability of this factor to cities and towns required to close a standard of effort gap without the benefit of "overburden aid."

Update on Teachers Early Retirement

In the May 20 *Legislative Bulletin*, the MMA notified its members that the Massachusetts Teachers' Retirement Board had informed school superintendents that the cost of the teachers' early retirement program had been recalculated, and, therefore, the program's cost would be much higher than anticipated for most districts. The teachers' retirement board is responsible for preparing a funding schedule for each participating district based on the Public Employee Retirement Administration's analysis of the costs of the additional benefits.

During the May Local Government Advisory Committee meeting, the MMA asked the Weld Administration to provide some relief to districts which had accepted the program based on an erroneous formula. The MTRB met May 27 to review this issue. Based on the advice of the Attorney General's Office, the MTRB determined that once a city, town, or district has accepted the incentive, it cannot rescind it. According to the MTRB, the Attorney General's office noted that there is nothing in the law that prevents a local government that has already accepted the program from capping the number of teachers that can take advantage of the program, or limiting the benefits under the program. According to the MTRB, a municipality wishing to do so would have to use the same procedure to limit or cap as was used to accept the early retirement program.

EXTRA INFO. RE 6/7/94 - (20)

FY1

Town of Acton

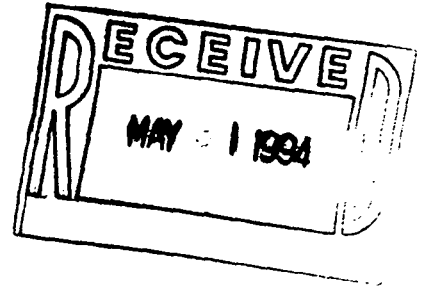
Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

May 27, 1994

Anne Fanton
43 Fort Pond Road
Acton MA, 01720



REGARDING: MIG Application for Kelley's Corner Plan.

Dear Anne:

Thank you for offering your help in writing the MIG grant application. Here is an outline for the planning process and for the expected products of the plan. The project would fall under the "Strategic Planning" category of the MIGS program.

Planning Process

- Probably 7 -9 people appointed by Planning Board would serve as a Kelley's Corner sub-committee. To the extent possible, committee will be representative of the various conceivable interests in and around the Kelley's Corner area.
- The committee search will be ongoing as we write the MIG application, but it may not be fully constituted by the application deadline. Ideally, the committee should already be in place at this time to hammer out the plan's agenda and goals before the MIG application is filed; EOCD is looking for that, but it will have to make due with the "Planning Board" for now.
- At this point the size of the planning area is in flux. If the expansion of the proposed Kelley's Corner CDC receives support from the B.o.S. (to include the OP2 districts to Hosmer, the School properties and the Haartz manufacturing site), then this whole area should be included in the Kelley's Corner Plan. The Planning Board seems to agree with that concept. I would say that even if the CDC does not get changed, the planning area should be expanded to include the additional areas. But I will discuss this with the Planning Board further at the next meeting on the 6th of June.
- Over the summer, I plan to put together the basic land use information on what exists today: Floor area, build-out potential, land use mix, resources constraints, so this would not be the work for the consultant.
- The committee should probably screen consultants in anticipation of the grant being awarded, rather than to wait until the grant is in. This means some committee work over the summer. The September to June window is rather short and should be spent on the project itself.

- If the grant is awarded and once the consultant is on line, we will hold one or more public goal setting sessions. It is my hope that as a result of the Kelley's Corner plan new and more growth will be permitted in this area, otherwise this plan may not be very useful. To achieve this, the public goal setting sessions might have to be heavy on education to help people understand the reason why economic growth would be beneficial; why it is better to occur in areas such as Kelley's Corner that are already built up; and why well design, more intense development might serve the Acton community better than poorly designed low intensity development. I have not decided what technique to use in these sessions, but there are some interesting and exciting models out there. The consultant should be in the position to help with the set up of these meetings, provide the educational component, and overall be instrumental in this effort. Also, we should be prepared to hold some smaller round-table meetings with various interest groups and major players on certain critical points, to hone out conflicts, to establish what their projected needs are, and to find common ground.
- Once the overall goals have been set and the general direction is clear, the consultant should be in the position to pull off a design charette, especially if the consensus goes towards allowing new growth in the area. The charette may take several evenings. It would give more people than just the committee a better understanding of the choices that are being made, and hopefully an increased comfort level with, and personal stake in the final recommendation. As a follow up to the design charette, the consultant would be expected to prepare conceptual plans to show the outcome or vision of this effort. It is my hope that we could engage the ABRHS, or Minuteman Tech to develop a 3-D model of this vision piece. I think this would greatly increase community involvement and be at the same time a tremendous educational experience for the students involved. But I would lean towards keeping this outside of the scope proposed for MIG funding.
- Following that process, we should have a pretty good idea what land use and design recommendations to make, how to implement them through zoning, public and private infrastructure improvements, funding mechanisms, etc.; what the fiscal impacts might be; and how we get from here to there. The recommendations should be compiled in a draft plan document for general review. This review should include a public meeting.
- Following the review, the final plan document must be formulated and released.
- I suppose formal adoption by the Planning Board, and implementation through zoning changes etc. could follow after the June 30, 1995 project completion deadline.

Products

(by consultant, some components would be prepared by my office)

- Educational material for public goal setting sessions
- Report on goal setting sessions, draft goals
- Report on design charette
- Conceptual plans (3-D if we can get a school interested)
- Draft plan with detailed recommendations for implementation: draft zoning amendments; other regulatory recommendations; infrastructure improvements,

funding mechanisms; municipal fiscal impact statement, and general data back up ("inventory and analysis").

- Final Plan.

We should ask for the maximum available fund: \$30,000.

There is no cash match requirement, but we have the \$10,000 appropriation. My office's work at the tune of about 800 professional staff hours should be stated as in-kind contribution. You can plug in my efforts throughout the process. Since you participated in the Master Plan you probably have a good idea how this will work.

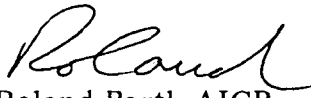
I will leave it up to you to draft a work plan, divide the projects into distinguishable tasks, set interim time lines for tasks, and due dates for interim products.

If there is anything you would change, include or delete to make the project more competitive please do not hesitate to do make that suggestion.

You have asked if we have samples of successful applications. Unfortunately we don't. I called EOCD. They do not send them out, but invite people to come in, review the files and make copies. They strongly recommend to have a meeting with a MIGS staff person: Hillary Specter (617) 727-7001 ext. 411.

Please let me know what your schedule is after memorial day and we could set up a meeting together.

Thank you again for helping out on this,



Roland Bartl, AICP
Town Planner

rkcp*4

May 20, 1994

Town Clerk's Office (Voters Only) - Town of Acton
Demographic Summary Report

Friday 11:35

Grand Totals

Inactive Residents and Unoccupied Households

Deceased: 0
Moved out of town: 0
Unknown status: 0
Unoccupied residences: 0

Totals for Active Residents

Active families: 2,518
Active residents: 4,179

Citizenship Status

Born in USA: 4,102
Naturalized citizens: 74
Non-citizens: 3

Age/Sex Statistics

Age Group	Males	Females	Total
17 and under:	1	0	1
18 to 25:	71	55	126
26 to 30:	34	46	80
31 to 35:	120	196	316
36 to 40:	279	403	682
41 to 45:	288	398	686
46 to 50:	276	332	608
51 to 55:	199	213	412
56 to 60:	158	195	353
61 to 64:	137	140	277
65 and over:	305	333	638
Totals:	1,868	2,311	4,179

Registered Voter Statistics

Registered Democrats: 808
Registered Republicans: 596
Registered Independents: 2,773
Registered Other: 2
Total registered: 4,179
(w/school-age children): 1,947
Total unregistered: 0

Dog Statistics

Male dogs - Unneutered: 122
 Neutered: 139
Female dogs - Unspayed: 29
 Spayed: 278
Total dogs: 568

*Demographics
of the May 17th
overseas election*



TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATIONS

DATE: May 19, 1994

TO: Board of Selectmen

FROM: Cathy Belbin, Town Clerk *CB*

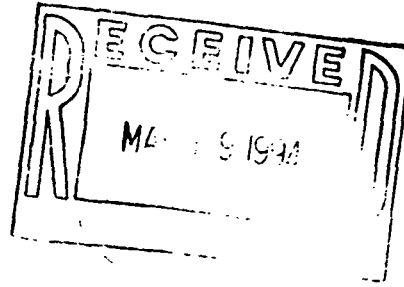
Attached please find a letter from Mr. Donald G.M. Anderson of 12 Balsam Drive, Acton stating that he was not allowed to vote at the special town election.

I was not at the Conant School when the polls opened. I have talked with the election workers and they have assured me that the polls were opened at 7:00 a.m. Attached is a copy of the precinct clerk's reports from Precinct one and Precinct two stating that the polls were opened at 7:00 a.m. I have also spoken with the officer in charge, Tom Rogers, and he has assured me that the polls were open at 7:00 a.m.

It is my understanding that a gentleman was at the polls at 6:40 a.m. and was informed that the polls did not open until 7:00 a.m. and he left.

If Mr. Anderson finds it difficult to vote between 7:00 a.m. and 8:00 p.m, I would suggest that he vote absentee. The procedure is for them to write the Town Clerk's office and request an absentee ballot. We would then forward the ballot, with explicit instructions, and they would return the ballot by mail.

Board of Selectmen
Town Hall
Acton, MA 01720



May 17, 1994

Dear Sirs,

I normally leave Acton before 7:00 am for work and return after 8:00 pm. I left late this morning in order to vote, only to be told that there would be a delay in opening the polls of indefinite duration. I have effectively been disenfranchised, and therefore dispute the validity of a botched election held under such circumstances. I believe a new election should be held at the personal expense of whoever was responsible for this debacle.

Yours truly,

Sathy:

Please respond to BOS.

Daniel Gm Anderson
12 Balsam Drive
Acton, MA 01720-3211

PRECINCT CLERK'S REPORT

MEMORY PACK SEAL NUMBER _____

DATE 5/17/94

PRECINCT # 1

The polls opened at 7:00 A.M.

The ballot box registered 0 at that time.

Number of ballots received at 7 A.M. 1601

Additional ballots received during the day, if any.

A. TOTAL NUMBER OF BALLOTS RECEIVED AT THIS ELECTION. 1601

B. Number of unused ballots. 1092

C. Number of ballots used (subtract B from A). 1509

D. Number of spoiled ballots. 1

E. Actual number of ballots cast (subtract D from C). 1508

F. Number of persons voting in this precinct. 527

G. Number of absentee ballots cast.

H. Ballot box register at close of polls. 524

Adjustment (plus or minus) of count

due to over-ing, jamming, etc. 3

Adjusted ballot box register reading. 527

Regina Pappert
Warden

Joan R. Marriello
Clerk

Election Clerk: Actual count of ballots must be made. Do not count blocks and multiply by 50 to obtain total number of ballots.

ENCLOSE THIS REPORT IN THE BLACK BOXES WITH VOTED BALLOTS.

ABOVE IS THE SAME AS THE NUMBER OF NAMES MARKED ON THE VOTING LIST.

PRECINCT CLERK'S REPORT

MEMORY PACK SEAL NUMBER _____

DATE 5/17/94

PRECINCT # 2

The polls opened at 7:00 A.M.

The ballot box registered 0000 at that time.

Number of ballots received at 1000 A.M..... 1000

Additional ballots received during the day, if any..... 0

A. TOTAL NUMBER OF BALLOTS RECEIVED AT THIS ELECTION..... 1000

B. Number of unused ballots..... 191

C. Number of ballots used (subtract B from A)..... 809

D. Number of spoiled ballots..... 0

E. Actual number of ballots cast (subtract D from C)..... 809

F. Number of persons voting in this precinct..... 835

G. Number of absentee ballots cast..... 26

H. Ballot box register at close of polls..... 835

Adjustment (plus or minus) of count

due to over-ing, jamming, etc..... —

Adjusted ballot box register reading..... 835

809
26
835

Mayorie L. Brown
Warden

Maureen Foxlaughlin
Clerk

Election Clerk: Actual count of ballots must be made. Do not count blocks and multiply by 50 to obtain total number of ballots.

ENCLOSE THIS REPORT IN THE BLACK BOXES WITH VOTED BALLOTS.

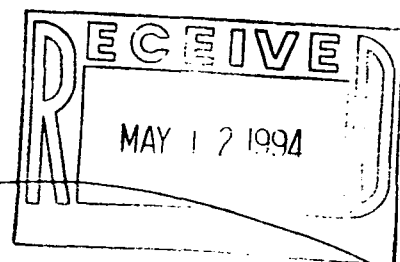
ABOVE IS THE SAME AS THE NUMBER OF NAMES MARKED ON THE VOTING LIST.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor
Trudy Coxe
Secretary, EOE
Thomas B. Powers
Acting Commissioner



May 9, 1994

SH
Doug H. -

PER OUR EARLIER DISCUSSION

PLS. REVIEW. PLS. ALSO PROVIDE
A SUMMARY OVERVIEW OF LOCAL
IMPACTS/CONCERNS FOR THE BOS & ME

Dear Municipal Official:

For over a year, the Department of Environmental Protection has been working on changes to the rules governing on-site treatment and disposal of sanitary sewage, generally known as "Title 5" of the Massachusetts Environmental Code (310 CMR 15). These regulations were last revised in 1978. After conducting a series of public information meetings in early 1993, we released a set of proposed revisions for public comment last September and October.

We heard extensive comment from concerned citizens across the Commonwealth. The overwhelming majority of commenters criticized the September draft as overly broad and costly, particularly on the issues of upgrading cesspools, and the status of existing vacant lots. In response to these and other concerns, we invited a broad-based advisory committee, including representatives from local Boards of Health, homebuilders, environmental groups, realtors, and other state agencies, to help us develop a significantly revised proposal which focuses on the most serious environmental problems and allows greater flexibility in solving them.

Because the current proposal differs so substantially from the past drafts, and because we are very interested in the public response to these changes, we have again scheduled a series of public information meetings and public hearings to hear from interested citizens. Included with this letter for your information are a summary of the proposed rules, a summary of the major changes since the September draft, the proposed rules themselves, some information about costs, and a listing of dates, times, and locations for public information meetings and public hearings. The text of the proposed rules has been mailed to your Board of Health. Additional copies of the proposed regulations are available at DEP's regional offices in Woburn, Lakeville, Worcester and Springfield, or by calling (617) 292-5886.

Thank you for your interest in the clean water rules. I hope to see you at one of the upcoming public sessions.

Sincerely,

Thomas B. Powers
Acting Commissioner

SUMMARY AND COMPARISON OF MAJOR REVISIONS
TO PROPOSED CLEAN WATER RULES (TITLE 5), MAY 9, 1994

DEFINITION OF FAILED SYSTEM

1978 Code: a system suffering breakout or backup, or any system deemed to be posing a public health threat

Fall 1993 Draft: all cesspools were automatically considered failed systems

Current Draft: systems exhibiting obvious hydraulic failures (breakout or backup); systems located within Zone I of public water supply wells, within 100 feet of public water supply reservoirs or their tributaries, or within 50 feet of surface water bodies; systems found to be a specific health or environmental threat

INSPECTION OF EXISTING SYSTEMS

1978 Code: does not address inspections, but requires pumping annually. This provision widely ignored.

Fall 1993 Draft: required all systems to be inspected within 5 years, pumping every 3 years.

Current Draft: requires inspections only at time of property transfer, change of use, or expansion. Sets performance standard for pumping, suggests pumping at least every three years.

STANDARD OF UPGRADE

1978 Code: requires substandard systems to be upgraded to meet the full requirements of the code, or to get a variance from both the Board of Health and DEP

Fall 1993 Draft: no change from 1978 code

Current Draft: where no expansion or change of use is proposed, the standard, with local Board of Health approval, is "maximum feasible upgrade." No DEP review would be needed unless the system could not meet requirements for groundwater separation or drinking water supply setbacks, or construction of a basic 3-part system.

ENVIRONMENTALLY SENSITIVE AREAS

A. SETBACKS

1978 Code: 100 foot required setback from water supply reservoirs and their tributaries, 50 feet from other surface waters

Fall 1993 Draft: required setbacks were 400 feet from reservoirs, 200 feet from their tributaries and 150 feet from rivers, 100 feet from vernal pools

Current Draft: required setbacks are 400 feet from reservoirs, 200 feet from their tributaries, 100 feet from vernal pools already certified at time of application, and 50 feet from other surface waters

B. NITROGEN LOADING (EXCESSIVE DISCHARGE OF NUTRIENTS)

1978 Code: does not address this issue

Fall 1993 Draft: basic requirement called for an acre of land for construction

of a 4-bedroom house in the following areas: recharge areas (Zone IIs) of public drinking water wells, all state designated Areas of Critical Environmental Concern, and nitrogen-sensitive coastal embayments, and any new development served by septic systems and private wells on the same lot. A larger home or a smaller lot would be allowed if a higher level of treatment were provided, or on the basis of a local/regional plan.

Current Draft: the same, except that for surface waters (in ACEC's and embayments or elsewhere), only those which are specifically designated through the Surface Water Quality standards process as nitrogen sensitive would be subject to this restriction.

GRANDFATHERING EXISTING LOTS

1978 Code: not addressed

Fall 1993 Draft: if an individual lot were buildable under the 1978 code but could not fully comply with the new rules, the same flow, up to a two-bedroom house would be allowed if built within 5 years. A larger house may be allowed with a higher level of treatment

Current Draft: if an individual lot were buildable under the 1978 code, but could not fully comply with the new rules, the same flow, up to a three-bedroom house, would be allowed if the disposal system application is filed within 5 years and the system built within 8 years. A larger house may be allowed with a higher level of treatment

ALTERNATIVE SYSTEMS

1978 Code: specific case-by-case approval, no defined process

Fall 1993 Draft: approved use of recirculating sand filters and proposed systematic approach to reviewing and approving other innovative technologies

Current Draft: same as 1993 draft, and also approves humus/composting toilets together with some existing leach systems for upgrade

LARGE SYSTEMS (10,000-15,000 gallons per day)

1978 Code: local Board of Health approves conventional systems up to 15,000 gallons per day

Fall 1993 Draft: a) recirculating sand filter required for all new systems over 2000 gallons per day;
b) treatment plant required for systems over 10,000 gpd;
c) existing 10-15,000 gpd systems on "interim status", requiring application for a groundwater discharge permit

Current Draft: a) recirculating sand filter or equivalent alternative systems required only for systems over 2,000 gpd that are located in well recharge areas or within setbacks for water supplies
b) treatment plant required for new systems or expansions over 10,000 gpd;
c) existing systems over 10,000 gpd must be inspected within 2 years. Those located within Zone IIs of public wells, within 400 feet of reservoirs or 200 feet of their tributaries, must upgrade to treatment plant within 5-7 years unless the owner demonstrates that drinking water standards are being met.

PROPOSED CLEAN WATER RULES (TITLE 5)
SUMMARY OF MAJOR PROVISIONS
310 CMR 15.000
MAY 9, 1994

This summary highlights major provisions of the proposed revisions of Title 5 of the Massachusetts Environmental Code, 310 CMR 15.000. The proposed rules would amend existing requirements for design, construction, and operation of on-site subsurface sewage disposal systems and for the transportation and disposal of septage, which were established in 1978 (called the "1978 Code" in this summary). The proposed rules are organized in several parts; this summary outlines the most significant issues that are addressed in each part and identifies the major changes from the existing rules.

SUBPART A: General Provisions

This Subpart contains definitions, applicability rules, permitting and enforcement procedures, and provisions for on-going review of the regulations and program. Among the significant issues addressed in this subpart are:

Applicability. The new rules would take effect on January 1, 1995. The largest system that can be permitted under the new rules would have a design flow under 10,000 gallons per day (gpd); under the 1978 Code, design flows under 15,000 gpd were permitted. Larger systems require ground water discharge permits under other regulations. See section 15.004.

Grandfathering of existing lots. Applications filed before January 1, 1995 are subject to the 1978 Code, except for some large systems described below. After that date, if an individual lot is buildable under the 1978 Code, but could not fully comply with the new rules, the same amount of sewage flow, up to the equivalent of a three-bedroom house, would be allowed if the disposal system permit application is filed within 5 years and the system built within 8 years. The system must be built in compliance with the new rules to the maximum extent feasible. A larger house may be allowed with a higher level of treatment. By state law, lots within subdivisions may proceed under the 1978 Code for three years after the subdivision plan is approved.

Pending applications for systems over 10,000 gpd that would be located within the zone of contribution of public water supply wells, within 400 feet of surface water reservoirs, or within 200 feet of tributaries to surface water reservoirs, would be subject to the new rules. Systems over 10,000 gpd in these areas that are already permitted may be required to upgrade as described in subpart D. See sections 15.005 and 15.006.

Local requirements. The new rules represent a standard code for septic system regulation. Local governments have separate legal authority to adopt more stringent regulations under chapter 111 section 31 of the General Laws; however, the local rules must be supported on the basis of specifically identified local conditions. See section 15.003.

Soil evaluators. The new rules contain modified design standards based on different soil types (described in Subpart C). Consequently, the new rules require that an approved soil evaluator be present on the site when soil conditions and groundwater elevations are determined. The soil evaluator may be either a representative of the Board of Health, or may be hired by the applicant. Registered engineers and sanitarians, soil scientists, health officers, and Board of Health members or agents may become approved soil evaluators by passing an examination demonstrating their knowledge of these issues, either after a DEP-administered training course or without it. Engineers in training or others knowledgeable in septic system siting would be

required both to take the training course and pass the examination. See sections 15.017 and 15.018.

Permitting and enforcement procedures. The new rules attempt to bring greater clarity and consistency to permitting and enforcement provisions, most of which are carried without substantial change from the 1978 Code. Septic system additives or soil conditioners would require approval by the Department. In addition, the new rules add a prohibition on installing a well within 100 feet of a system, mirroring the 1978 Code rule which prohibits septic systems within 100 feet of a well. See sections 15.020 through 15.030.

On-going review and future revisions of regulations. The proposed rules require the Department to review several key issues and propose additional changes within three years. These include increasing the allowable percolation rate in soils from 30 to 60 minutes per inch, expanding the use of soil analysis and pollutant loading determinations in system siting and design, the use of shared and alternative systems, the effectiveness of the rules in protecting critical resources and upgrading failing systems, and septage disposal. The new rules also establish an advisory committee to help the Department evaluate and implement the rules. See sections 15.040 and 15.041.

SUBPART B: Siting of Systems

This Subpart describes requirements for siting new systems. The new rules standardize practices for deep observation hole and percolation tests, and methods for determining the high groundwater elevation. Identification of water resources and soil types is also required. An approved soil evaluator (as described above) must be on the site at the time of the deep observation hole test, and certify to the Board of Health and the system designer that the observations were made properly. See sections 15.100 through 15.109.

SUBPART C: Design and Construction of Systems

The longest portion of the regulations, this Subpart contains rules for designing and building on-site systems, including specifications for each of the separate components of a system. Readers interested in these issues should use the table of contents as a guide to the relevant sections. Alternative technologies and shared systems are also addressed in this Subpart. Among the most significant issues are the following:

Systems over 2,000 gpd. The new rules would require use of a recirculating sand filter, or an equivalent alternative technology, for systems over 2,000 gpd that will be located in environmentally sensitive areas. Design guidance for recirculating sand filters is provided in Appendix 2. DEP would have 60 days to review design plans once approved by the Board of Health; the plans would be deemed approved if DEP did not act in that time. See section 15.202.

System design flows. An expanded list of facility types, with appropriate design flow figures, is provided. To reduce disputes over the number of bedrooms in a residence, half the total number of rooms are considered bedrooms, but the applicant may design for a smaller number if a deed restriction is placed (see also the definition of bedroom in section 15.002). Flows for elementary schools are reduced (see also the school provision in section 15.416). See section 15.203.

Setback distances. Increased setbacks are proposed for surface water supply reservoirs (400 feet from leaching area) and their tributaries (200 feet). A new setback of 100 feet from certified vernal pools is proposed. Setbacks for some types of drains have been reduced or eliminated. The setback from slopes

has been simplified to 15 feet, or 10 feet if a proper retaining wall is provided. See section 15.211. In addition, new septic tanks would be prohibited, and new leaching systems restricted, in high-velocity flooding zones designated by the Federal Emergency Management Agency. See section 15.213.

Percolation rate. As in the 1978 Code, 30 minutes per inch is the maximum allowable percolation rate (see section 15.245). However, percolation rates between 30 and 60 minutes per inch may be allowed for upgrade of systems. Review of the percolation rate is required within three years (see section 15.041), and the Department may allow up to 20 new systems per year to be constructed in 30 to 60 minute rate soils to assist in this evaluation (see section 15.417).

Nitrogen loading. The new rules would establish nitrogen loading limits for new systems to be served by both on-site systems and private wells, and for systems located in environmentally sensitive areas (zones of contribution of public drinking water supply wells). Designation of any other environmentally sensitive areas would occur through the surface water quality standards process. The rules would essentially require an acre of land for construction of a new four-bedroom house; a larger house or a smaller lot may be allowed if a higher level of treatment is provided. In addition, the nitrogen loading limit may be satisfied by averaging across the full size of a project, or on a regional or community basis with a resource protection plan. See sections 15.214 through 15.217.

Soil classes. The proposed rules would calculate loading rates based on the capacity of various soil types to absorb pollutants and effluent flow. Four classes of soils are identified, with loading rate factors identified for each, considering percolation rate as well. For some soils, these values will allow smaller leaching areas than the 1978 Code; in others, larger areas will be required. See sections 15.242 through 15.244.

Alternative technologies. The new rules would establish a comprehensive system for review and approval of alternative technologies, based on the level of information available about the proposed technology. Data from other states with comparable conditions may serve as a basis for approval. Recirculating sand filters would be approved for general use. Humus/composting toilets, already approved wherever a conventional system could be used, would also be approved for upgrades, with use of existing leaching systems under some conditions. The Department would be required to publish annually a list of approved alternatives and those undergoing review. See sections 15.280 through 15.289.

Shared systems. The new rules would allow more than one homeowner to use a common leaching area or system. The regulations outline allowable legal mechanisms and requirements for multiple ownership; Appendix 4 provides a sample form. Except for condominiums, which are treated as single owners, new construction using shared systems would be limited to the volume of sewage that could have been permitted for separate systems. See sections 15.290 through 15.293.

SUBPART D: Inspection and Maintenance

This Subpart contains inspection and maintenance requirements for all systems, both those already constructed and those that will be built under the new rules. Among the most significant provisions are:

Inspection at time of transfer. Inspections of septic systems would be required within one year prior to the transfer of property, or when there is a change in use or increase in use for which a building permit is required (see sections 15.301 and 15.302). Inspections would be conducted by approved system inspectors, who have passed an examination given by the Department. Professional engineers, sanitarians, or health officers may take the exam either with or without first taking a training course; board of health members or agents, home inspectors, licensed septage haulers or installers, or others experienced in the field must take a training course prior to the exam. See section 15.340.

Definition of failed systems. The proposed rules contain specific definitions of systems failing to protect public health and the environment, which must be upgraded. These include obvious hydraulic failures (breakout or backup); systems located within Zone I of public water supply wells, within 100 feet of public water supply reservoirs or their tributaries, or within 50 feet of surface water bodies; or systems found to be a specific health or environmental threat. See section 15.303. These systems must be upgraded within one year of discovery of the problem. The upgrade standard is maximum feasible compliance with the new rules (see Subpart E below); the Board of Health may require an earlier upgrade if there is an imminent health hazard, or may allow a longer time, under an enforceable agreement, if a longer time is needed to achieve an environmentally superior solution. See section 15.305.

Large systems. Existing systems over 10,000 gpd must be inspected within two years. Because large systems historically have high rates of failure, the new rules would classify as significant threats systems of 10,000 gpd or more that are located within zones of contribution of public water supply wells, within 400 feet of water supply reservoirs, or within 200 feet of their tributaries. These systems must be replaced by treatment plants within five years of discovery, unless the owner demonstrates that the water quality standards are being met at the property boundary and in the receiving water. The Department may allow a longer time, under an enforceable agreement, if needed to achieve an environmentally superior solution. See section 15.304.

Pumping. The new rules establish a performance standard for when pumping septic tanks is required, but also recommend pumping at least once every three years, and at least once every year for homes with garbage grinders. See section 15.351.

SUBPART E: Upgrade Approvals and Variances

This Subpart describes the ways and circumstances under which full compliance with the technical requirements of the other sections may be varied. Among the major issues addressed are:

Local upgrade approvals/"maximum feasible compliance." The Board of Health may allow upgrade or construction in "maximum feasible compliance" when full compliance with the new code is not feasible in two kinds of cases: upgrades of existing systems that are not in compliance, or new construction of three-bedroom units on existing lots that were buildable under the 1978 Code (more fully described in the transition rules in Subpart A, above). Increased flows are not allowed under a local upgrade approval. The "maximum feasible compliance" approach allows for departure from the requirements of the new rules to the least extent necessary to construct a system within the lot. Where the failure is due solely to failure of a particular component, upgrade of that component to the new rules is allowed. Among the other adjustments that may be allowed are reduction of setbacks from property lines or

buildings, use of 30 to 60 minute percolation rates (for upgrades only), reductions of 25% or less in the required size of the leaching area, and reductions in setbacks from water resource areas. There are minimum standards that must be satisfied by such approvals: the system must have all three system components, with at least a 1000 gallon tank and at least 75% of the required leaching area; there must be a four foot separation between the bottom of the leaching area and the high groundwater elevation; and the system must be at least 100 feet from surface water supplies and their tributaries, 50 feet from private wells, and outside the protective area around public wells established by water supply regulations (typically 400 feet). Boards of Health which have members or agents who are approved soil evaluators may allow a three foot minimum separation between the bottom of a leaching field and high groundwater elevation, only for upgrading existing systems and only where all other setbacks from water resources are met.

If the upgrade cannot be completed in compliance with these requirements, a variance or approval to use a tight tank must be sought. See sections 15.402 through 15.405.

Variances. As in the 1978 code, variances from the rules may be granted when an equal degree of environmental protection is provided, and it would be manifestly unjust to enforce the rule as written. Under the new rules, DEP review of variances would not be required where the Board of Health approves variances from property line or building setbacks. Reductions of the new surface water setbacks, to 200 feet from reservoirs or 100 feet of their tributaries, also would not require DEP review under some circumstances (see section 15.412). All other variances would continue to require DEP review. For new construction, but not for upgrade or rebuilding, an applicant showing "manifest injustice" would have to show that substantially all use of the property would be lost (see section 15.410). For a variance to allow increased flow to an existing system, the applicant would have to show that the new system with the increased flow is environmentally superior to the existing situation (see section 15.414).

SUBPART E: Transportation and Disposal of Septage

This subpart regulates the removal, transportation, and disposal of septage. The proposed regulations generally attempt only to clarify existing requirements in this area, and to encourage regional solutions to septage management.

APPENDICES:

Appendix 1: This Appendix provides technical guidance on the use of groundwater observation wells as a method of determining the high groundwater elevation.

Appendix 2: This Appendix contains guidance on the design, construction, and operation of recirculating sand filters.

Appendix 3: This Appendix contains technical specifications for pressurized distribution lines.

Appendix 4: This Appendix provides a model legal document to be used in establishing shared disposal systems.

TSSUMM

The New Title 5: Estimated Costs*

New Construction

The proposed code would require larger septic tanks, but also would allow smaller and less costly leaching facilities in many cases. Overall system costs will depend on a number of factors, including soil types, percolation rates and local market conditions.

Under the new code, a "typical" four bedroom, single-family home would be required to have a 1,500-gallon septic tank. A tank of that capacity should cost about \$600, or roughly \$200 more than the currently required 1,000-gallon tank.

Leaching facility costs would depend largely upon the percolation rate of the soil. Assuming a four bedroom home, slow-percolating soil and the design standards of the proposed code, the leaching system could be expected to cost about \$2,800 -- or \$1,500 less than under the existing Title 5. The cost for installing a leaching facility in faster-percolating soil would be about \$1,200 -- some \$650 more than the current average cost.

Additional costs associated with the installation of a septic system at the site of a new single-family home include soils evaluation, design and permitting. It is anticipated that engineering and plans would cost slightly more than they do now because of new, more stringent soil evaluation requirements. However, the improved siting of septic systems that would result should mean fewer system failures and lower maintenance costs in the long run.

Repairs and Upgrades of Existing Systems

The new Title 5 would require inspection of existing cesspools and septic systems at the time of property transfer or change of use, and upgrades of failing systems within one year of inspection. Often, the costs can be included in the financing of the transaction and amortized over a number of years.

It is estimated that statewide, fewer than 4,000 additional homeowners per year would be required to repair or upgrade their failing systems at an average cost of between \$4,000 and \$6,000, depending upon local contractor availability and other factors. In general, actual system upgrade costs should not be significantly higher than they are under the existing code. These estimates do not reflect unique circumstances, such as unusual siting problems or more stringent local requirements, which could increase costs. Nor do they take into account minor repairs or community assistance programs aimed at keeping costs lower.

Financial Assistance

Help is available to homeowners facing the prospect of repair or replacement of failed septic systems. Specifically, state and federal agencies offer a range of grant and low-interest grant programs. For details, contact:

Massachusetts Housing Finance Agency
50 Milk Street
Boston, MA 02109
(617) 451-2766

Farmers Home Administration
451 West Street
Amherst, MA 01002
(413) 253-4330

Local Betterments

The Weld-Cellucci Administration actively supports legislation filed by state Rep. Byron Rushing which would enable Massachusetts towns and cities to provide financial assistance to homeowners whose septic systems need to be repaired or replaced. Under the so-called "betterment bill," municipalities could perform the actual work and bill homeowners over time, as they currently do with sewer connections. If you believe towns and cities should be given this option, please contact your representative or senator and urge their support of H. 4740.

*All costs are approximations developed by DEP with the assistance of its Title 5 Financial Sub-Committee, with additional work done by the Department of Resource Economics at the University of Massachusetts.



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

William F. Weld
Governor
Trudy Coxe
Secretary, EOE
Thomas B. Powers
Acting Commissioner

TITLE 5

PUBLIC INFORMATIONAL MEETINGS

Tuesday May 17	Pittsfield: Reid Middle School	7:30 PM
	Bridgewater: Bridgewater State College, Horace Mann Auditorium	7:30 pm
Wednesday May 18	Northampton: Northampton High School	7:30 pm
	Worcester: Chandler Magnet School	7:30 pm
Thursday May 19	Reading: Reading High School	7:30 pm
	Yarmouth: Mattacheese Middle School	7:30 PM

PUBLIC HEARINGS

Tuesday May 31	Pittsfield: Reid Middle School	7:30 pm
	Bridgewater: Bridgewater State College, Horace Mann Auditorium	7:30 pm
Wednesday June 1	Northampton: Northampton High School	7:30 pm
	Worcester: Chandler Magnet School	7:30 pm
Thursday June 2	Boston: Hurley Building, 19 Staniford Street, Minehan Hall	1-3pm
	Wilmington: Wilmington High School	7:30 pm
	Yarmouth: Mattacheese Middle School	7:30 pm

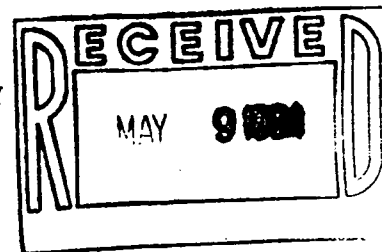
The Department will accept verbal and written comments at the hearings. The Department also will accept written comments until 5:00 p.m. on June 17, 1994. Written comments may be submitted to Elizabeth Nicklas, Office of General Counsel, Department of Environmental Protection, One Winter Street, 3rd floor, Boston, Massachusetts 02108.

BOD
FYI

LOWELL REGIONAL TRANSIT AUTHORITY

CC: BOS - INCL. EXEC. SUMM. ADVISORY BOARD MINUTES
OF STATE AUDITORS
REPORT ON RTA'S

March 17, 1994



The meeting was called to order by Chairman Kenneth Stevens at 7:00 p.m. at the Lowell Regional Transit Authority Offices, 145 Thorndike Street, Lowell, MA. Mr. Joseph Czarnionka of Pepperell, Mr. Arthur Doyle of Billerica, Ms. Beth Kalhauser of Tyngsborough, Mr. William Kavanagh of Westford and Mr. Peter Lawlor of Chelmsford were present. (Weighted vote present = 20.69 constituting a quorum.)

MINUTES:

Chairman Stevens presented the Minutes of February 17, 1994 Advisory Board Meeting for acceptance.

MS. KALHAUSER MOVED THAT THE MINUTES BE ACCEPTED AS PRESENTED, SECONDED BY MR. DOYLE. VOTED: FIVE IN FAVOR, ONE ABSTAINED. (WEIGHTED VOTE = 17.89 IN FAVOR, 2.80 ABSTAINED)

ADMINISTRATOR'S REPORT:

LEGISLATIVE CONFERENCE

On Sunday and Monday, March 6 and 7th, I attended the APTA Legislative Conference in Washington. The purpose of this conference was to update transit officials on significant transit issues pending before Congress.

Chief among them was the proposed cut in operating money for the next fiscal year. Sec. Pena, who defended the cuts, said he felt that sufficient savings in the transit authority's operating budget would be a result of lower interest rates, lower fuel costs and efficiencies resulting from newer equipment. The proposed cuts could result in a 25% reduction or an approximate \$250,000 cut in our operating budget.

There was also some good news in the Secretary's address, news that would result in record-setting levels for new capital funding for authorities our size. So, the trick will be to utilize the capital money to lower our operating budget.

Another issue that will affect us is the mandated drug and alcohol testing program. For authorities our size, the legislation requires that the program must be in place by January 1996. The rules and regulations for implementation are being developed now.

ELECTRONIC FAREBOXES

All 22 fareboxes are installed and operating. Once our new buses are in, we will be able to utilize these fareboxes to a much greater degree. Based on preliminary figures we continue to believe that revenues will increase as a result of the new buses.

PROCUREMENT OF FIXED ROUTE BUSES

We held the prebid conference on Tuesday, March 1. Two manufacturers were represented--Flxible and Bluebird. As of today, we have received two responses to our request for changes or approved equals. That's good news because it is a good indication that there will be more than a single bid. The deadline for spec changes is tomorrow and the bid opening will be March 31.

PARATRANSIT

Since our last meeting we have delivered the new paratransit buses to Acton and Chelmsford. That completes the delivery of all new vehicles. Let me take this opportunity to thank the Board Members for their participation and help in orchestrating the events for dedicating these vehicles. As you know, we have received excellent press and TV coverage of these events which has been very beneficial to the Authority.

SECTION 9 GRANTS

I am pleased to announce that all of our Section 9 capital requests have been approved.

MR. DOYLE MOTIONED THAT THE ADMINISTRATOR'S REPORT BE ACCEPTED AS PRESENTED, SECONDED BY MR. CZARNIONKA, VOTED UNANIMOUSLY.

DEPUTY ADMINISTRATOR'S FINANCIAL STATUS REPORT:

Mr. Lawlor suggested that it would be helpful if Board Members could see a sheet with a 6 or 12 month trend to replace the current Financial Status Report so Members could get an idea of receipts and disbursements and compare it to the annual budget. Administrator Kennedy explained that there is a report generated every month which could be part of the packet sent to Board Members every month.

MR. LAWLOR MOTIONED THAT A MONTHLY STATEMENT REFLECTING RECEIPTS AND DISBURSEMENTS BE INCLUDED IN THE NOTICE PACKET, SECONDED BY MS. KALHAUSER, VOTED UNANIMOUSLY.

ADMINISTRATIVE ASSISTANT'S REPORT:

MS. KALHAUSER MOTIONED TO ACCEPT THE ADMINISTRATIVE ASSISTANT'S REPORT AS PRESENTED, SECONDED BY MR. DOYLE, VOTED UNANIMOUSLY.

REPORTS OF SUB-COMMITTEES:

None

Mr. Lawlor questioned what Sub-Committees the LRTA Advisory Board presently has. Chairman Stevens responded by explaining that he was about to set up a Rates & Fares Sub-Committee, also Personnel and Budget Sub-Committees. This should be done in the next couple of weeks.

A lengthy discussion ensued regarding fares and it was agreed that the Rates & Fares Sub-Committee should take a long look at the present fares.

COMMUNICATIONS:

None

CURRENT BUSINESS:

Mr. Lawlor inquired as to the appropriations for Architectural/Engineering Services. Administrator Kennedy explained that the present offices are going to be rehabilitated increasing the office area by 400 square feet. This will increase the size of the conference room and also the waiting area.

NEW BUSINESS:

Mr. Tim Goddard, NMOOG, handed out the first draft of the Transportation Improvement Program (TIP) for the Northern Middlesex Region and informed the Advisory Board that they will be asked to endorse the Draft at the April Board meeting.

MOTIONS: None

WARRANT:

MOTION MADE BY MR. KAVANAGH TO APPROVE THE WARRANT IN THE AMOUNT OF \$700,855.55 WITH A SUPPLEMENT AMOUNT OF \$16,794.84 (Gallagher Terminal) FOR A TOTAL OF \$717,650.39, SECONDED BY MR. LAWLOR, VOTED UNANIMOUSLY.

ADJOURNMENT:

ON A MOTION MADE BY MR. DOYLE, SECONDED BY MS. KALHAUSER AND VOTED UNANIMOUSLY, THE MEETING ADJOURNED AT 7:45 P.M.

I, William Kavanagh, duly elected and acting as Clerk of the Lowell Regional Transit Authority, do hereby certify that the foregoing minutes are a true and accurate record of the meeting of the Lowell Regional Transit Authority Advisory Board held on February 17, 1994.

Date

William Kavanagh

INTRODUCTION

1

Under the Massachusetts General Laws, Chapter 161B, cities and towns are authorized to form Regional Transit Authorities (RTAs). The RTAs may hold and manage transportation facilities and equipment, but they are prohibited from directly operating mass transportation services. Therefore, RTAs must contract with private companies to provide daily transit services.¹

Currently, 15 RTAs serve 206 cities and towns throughout Massachusetts. The RTAs offer a range of public transportation services, including local fixed route bus service, demand-response services for elderly and handicapped individuals, and contracted services for state human service agency clients. During fiscal year 1991, RTAs received operating revenues totalling approximately \$76 million.

The Office of the State Auditor (OSA) recently completed a statewide review of RTA contract procurement practices. The objective of the audit was to ensure that RTAs were procuring transit services in accordance with state and federal regulations.

AUDIT RESULTS

3

1. The Commonwealth Needs to Promulgate Regulations Concerning Transit Services for State Human Service Agency Clients: During fiscal year 1991, RTAs received contracts totalling approximately \$8 million from state human service agencies. The RTAs used the majority of these funds to procure transit services for agency clients. However, because the Commonwealth has not promulgated procurement guidelines for RTAs to follow, RTAs are experiencing numerous contracting problems across the Commonwealth. 3
2. RTAs Have Directly Operated Mass Transportation Services: During fiscal year 1991, RTAs received contracts from state human service agencies totalling approximately \$8 million. The contracts required the RTAs to transport agency clients to various sites. The majority of RTAs subcontracted the work to private operators. However, contrary to Chapter 161B of the General Laws, four RTAs utilized their existing facilities and vehicles to transport agency clients. 4

¹The Greenfield/Montague Transportation Area was established under Massachusetts General Laws, Chapter 161, under which it is allowed to directly operate mass transportation services.

TABLE OF CONTENTS/EXECUTIVE SUMMARY (Continued)

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3. <u>RTAs Did Not Award Contracts to Lowest-Cost Qualified Proposer:</u>	11
Three RTAs did not award contracts totalling approximately \$4.5 million to the lowest-cost qualified proposer. These RTAs selected firms that offered higher prices than other qualified transit operators. Also, two RTAs rejected offers from firms that were determined to be the most qualified and that offered the lowest price. The RTAs' failure to select the lowest qualified proposer cost the Commonwealth an additional \$161,312.	
4. <u>RTAs Awarded Service Contracts without a Competitive Selection Process:</u>	17
Five RTAs awarded transit service contracts totalling \$1,468,230 without utilizing a competitive selection process. The RTAs did not advertise required services and offered no evidence to support that contracts were awarded based upon price or other qualification factors.	
5. <u>RTAs Extended the Service Life of Contracts:</u>	21
Four RTAs extended the service life of 10 contracts totalling \$4,030,496. Each contract had a service life of one to five years. However, after the contracts expired, the RTAs retained the services of existing contractors without rebidding the work.	
6. <u>RTAs Did Not Adhere to Evaluation Criteria during Contractor Selection Process:</u>	25
Four RTAs failed to evaluate contractor proposals based upon established criteria. Although the RTAs published evaluation criteria, they did not consistently apply the criteria to contractor proposals. Also, RTAs introduced new criteria after the selection process had begun, and one RTA authorized an evaluating official to disregard published criteria. Such actions precluded an open, fair, and full competition on contracts totalling \$988,444.	
7. <u>RTAs Did Not Consider Price during Contractor Evaluation Process:</u>	35
Two RTAs did not consider price while evaluating contractor proposals. These RTAs instead used a qualification-based evaluation process, which does not factor in a proposer's cost of service. Although this procurement method is allowable for architectural and engineering services, it is not appropriate or relevant for the procurement of transit management services.	
8. <u>RTAs Did Not Adequately Document Procurement Process:</u>	40
Four RTAs did not maintain records sufficient to detail the significant history of recent contract awards. Records missing from contract files included legal notices, invitations to bid, contractor proposals, contractor evaluations, and contract agreements. Such poor recordkeeping affected nine of the contracts we reviewed, which were valued at approximately \$6 million.	

TABLE OF CONTENTS/EXECUTIVE SUMMARY (Continued)

	<u>Page</u>
9. <u>Southeastern RTA Did Not Maintain Fair, Open, and Ethical Conduct in Awarding a Transit Contract:</u> The Southeastern RTA requested its incumbent transit management firm to help prepare and review bid documents used during the 1991 contractor selection process. This firm was also allowed to attend an Advisory Board meeting while board members deliberated over the pending contract award. The \$540,000 contract was eventually awarded to that firm.	44
10. <u>Brockton RTA Circumvented Prior OSA Audit Recommendation:</u> A prior OSA audit recommended that the Brockton RTA re-establish a \$46,754 account receivable that had been improperly written off as a bad debt expense. The receivable was due from Baystate Bus, the RTA's incumbent transit management firm. Brockton RTA agreed to re-establish the receivable and noted that it would result in a reduction of the Authority's fiscal year 1990 net cost of service. Brockton RTA, however, needlessly amended the Baystate Bus contract by \$49,750 to facilitate the repayment of the debt and to satisfy the audit recommendation.	48
11. <u>Southeastern RTA Has Provided Excessive Pension Benefits:</u> Over the past 17 years, the Southeastern RTA has allowed pension benefits to dramatically increase from \$24,000 to \$412,000 annually. The Southeastern RTA has continued to increase benefits despite a growing operating deficit of \$1.3 million and an unfunded pension liability of \$1.7 million.	52
12. <u>Conflict of Interest at Martha's Vineyard RTA:</u> The Martha's Vineyard RTA Administrator rented his personal property to the Authority for \$7,200 during fiscal year 1992. Because the Administrator had a personal interest in the transaction, he violated the RTA's financial assistance agreement with the Commonwealth and violated the Commonwealth's Conflict-of-Interest Law. Therefore, the matter will be referred to the Attorney General's Office and the State Ethics Commission for their review.	58
13. <u>Martha's Vineyard RTA Needs to Improve System for Collecting Passenger Fares:</u> The Martha's Vineyard RTA needs to strengthen its internal controls over the collection of passenger fares. During fiscal year 1991, the Authority served 16,868 passengers on its South Beach bus route. Passenger fares for this service totalled approximately \$25,000. The Authority, however, has not developed adequate procedures to safeguard the funds collected each day.	60

TABLE OF CONTENTS/EXECUTIVE SUMMARY (Continued)

14. Private Business Operated from Pioneer Valley RTA Garage: The Pioneer Valley RTA Maintenance Director was operating a private business from within the Authority's garage. The Maintenance Director, unbeknown to the RTA, had been using the Authority's garage to repair private automobiles and bus transmissions since 1988. The Maintenance Director used the Authority's facilities during his off-duty hours.
15. The Commonwealth Did Not Fund Transit Operations in a Timely Manner: The Commonwealth could save millions of dollars annually by forward-funding RTA operations. Presently, RTAs receive funding from the Executive Office of Transportation and Construction several months following the close of the fiscal year. This delayed payment process requires RTAs to borrow their yearly operating funds from local financial institutions. The amount of borrowing by RTAs has steadily increased and has resulted in interest and fees totalling approximately \$9.6 million during fiscal years 1989 to 1991, which is passed on to the state in the form of operating subsidies.

APPENDIXES

- I. Transit Statistics and Services Offered by the Commonwealth's RTAs
- II. Operating Revenue Generated by the Commonwealth's RTAs during Fiscal Year 1991
- III. Contracts Not Awarded to Lowest-Cost Qualified Proposers
- IV. Transit Contracts Awarded by RTAs on a Non-Competitive Basis for Fiscal Year 1991
- V. Improper Contract Extensions Provided by RTAs
- VI. Inadequate Documentation Maintained for RTA Contract Awards
- VII. SERTA's Pension Expenses for Fiscal Years 1978 through 1991
- VIII. Schedule of EOTC's Payments to RTAs for Fiscal Year 1991
- IX. RTAs' Cost of Borrowing Operating Funds for Fiscal Years 1989 through 1991
- X. List of RTAs and Their Service Communities



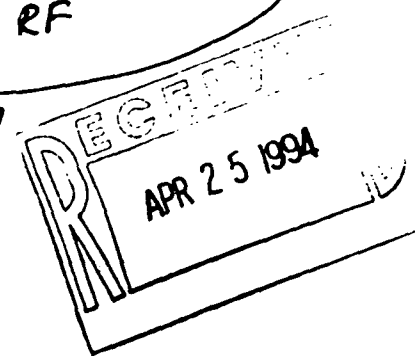
William F. Weld
Governor
Trudy Coxe
Secretary, EOE
Thomas B. Powers
Acting Commissioner

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

CC: BOS
D. HALLEY
D. ABBT
COVER & 3 PAGE LIST
FULL DOC. IN RF

9/13



April 19, 1994

Dear Local Official:

The Department of Environmental Protection (DEP) has redesigned the Waste Site Cleanup Program to streamline and accelerate cleanup of releases of oil and hazardous material to the environment. Amendments to the Massachusetts Superfund Law (M.G.L. c. 21E) requiring the redesigned Program were enacted in July, 1992. Revised regulations for assessing and cleaning up oil and hazardous material releases (the Massachusetts Contingency Plan or "MCP") became effective on October 1, 1993.

The new MCP included specific transition requirements for sites reported to DEP before October 1, 1993. In August 1993, DEP published the *1993 Transition List of Confirmed Disposal Sites and Locations to be Investigated*, which showed the status of each site that had been reported to DEP as of July 1, 1993. The transition regulations require those who are legally responsible for each site to inform DEP of the site's status in the new program by specific deadlines, and also include requirements to proceed with any response actions that DEP had approved before October 1, 1993.

On or about April 25, 1994, DEP will publish an Addendum to the *Transition List* which includes the following:

- o new sites reported to DEP between July 1, 1993 and October 1, 1993;
- o sites whose transition status has changed since the publication of the August *List* (e.g., a Location to Be Investigated has been granted a Waiver of DEP approvals); and
- o sites which have a Waiver application pending DEP approval.

Many of the sites on this Addendum have applied for a waivers of DEP approvals (in accordance with the 1988 MCP) which are currently being reviewed by DEP. DEP will publish a final Addendum in Summer 1994 once all Waiver applications have been acted on, to show the status of these sites.

Enclosed please find:

- your community's listings from the updated *Transition List*;
- Descriptions of the different lists contained in the *Transition List*;
- fact sheets summarizing the specific opportunities and requirements for sites and locations on the *Transition List*;

Full copies of the *Transition List* and the April Addendum, and copies of the revised MCP are available from the State Bookstore (telephone: 617/727-2834). For more information about the individual sites and locations contained in the *Transition List* and Addendum, or the revised MCP, please call the MCP Hotline, part of DEP's InfoLine (from area code 617 and from outside Massachusetts, call 617/338-2255. From area codes 413 and 508, call 1-800/462-0444).

Very truly yours,



James C. Colman
Assistant Commissioner
Bureau of Waste Site Cleanup

Enc.

SITES AND LOCATIONS IN THE TOWN OF

*** ACTON ***

March 1, 1994

===== [CONFIRMED SITES] =====

Status	Site Number	Site Name	Address	Current Status	First Listed L.T.B.I.	First Listed Confirmed	New to Lis
PRIORITY CONFIRMED	2-0003	AGWAY/KRESS PROPERTY	55 KNOX TRAIL	PHASE 2	/ /	01/15/87	
	**	Hazardous Material Release Site					
	**	Response action by: RP AND DEP					
	**	PRIORITY Site					
	**	Organics and pesticides released at a commercial site resulting in a release to the soil and a groundwater release.					
PRIORITY CONFIRMED	2-0816	AIRCO INDUSTRIAL	37 LAWSBROOK RD.	PHASE 2	07/15/91	07/15/91	
	**	Hazardous Material Release Site					
	**	Response action by: RP ONLY					
	**	PRIORITY Site					
	**	VOCs and chlorinated solvents released at an industrial site from a leaking underground storage tank and a lagoon or pit resulting in a release to the soil, a groundwater release and a surface water release.					
PRIORITY CONFIRMED	2-0006	DARAMIC PLANT, WR GRACE	51 INDEPENDENCE RD.	PHASE 2	/ /	01/15/87	
	**	Petroleum and Hazardous Material Release Site					
	**	Response action by: RP ONLY					
	**	PRIORITY Site					
	**	Virgin oil and hexane released at a tank farm from a leaking underground storage tank resulting in a release to the soil and a groundwater release.					
UNCLASSIFIED CONFIRMED	2-0253	EAST ACTON MOBIL	44 GREAT RD.	PHASE 2	07/15/87	04/15/89	
	**	Petroleum and Hazardous Material Release Site					
	**	Response action by: RP ONLY					
	**	Unclassified Site					
	**	Public Involvement Plan Site					
	**	Waiver Application being processed					
	**	Gasoline released at a gas station from a leaking underground storage tank and a hose or pipe resulting in a release to the soil and a groundwater release.					
PRIORITY CONFIRMED	2-0754	MOBIL SERVICE STATION	553 MASS. AVE.	PHASE 2	07/15/90	07/15/90	
	**	Petroleum Release Site					
	**	Response action by: RP ONLY					
	**	PRIORITY Site					
	**	Gasoline released at a gas station from a leaking underground storage tank resulting in a release to the soil and a groundwater release.					
UNCLASSIFIED CONFIRMED	2-0493	POWDERMILL MANUFACTURING	2 POWDERMILL RD.	PHASE 1	04/15/89	07/15/93	
	**	Hazardous Material Release Site					
	**	Response action by: RP ONLY					
	**	Unclassified Site					
	**	Waste oil and sludge released at a former manufacturer from a dry well resulting in a release to the soil and a threat to the groundwater.					

S I T E S A N D L O C A T I O N S I N T H E T O W N O F
 *** A C T O N ***
 March 1, 1994

===== [C O N T I N U E D] =====

UNCLASSIFIED CONFIRMED 2-0848 SHELL SERVICE STATION 341 GREAT RD. PHASE 2 04/15/92 04/15/92
 ** Petroleum Release Site
 ** Response action by: RP ONLY
 ** Unclassified Site
 ** Waiver Application being processed
 ** Gasoline released at a gas station from a leaking underground storage tank resulting in a
 release to the soil and a groundwater release.

UNCLASSIFIED CONFIRMED 2-0836 SHELL STATION 408 MASS AVE PHASE 1 07/15/91 07/15/91
 ** Petroleum Release Site
 ** Response action by: RP ONLY
 ** Unclassified Site
 ** Petroleum and VOCs released at a gas station resulting in a release to the soil and a
 groundwater release.

PRIORITY CONFIRMED 2-0010 WR GRACE 50 INDEPENDENCE RD PHASE 3 / / 01/15/87
 ** Federal Superfund Site
 ** Response action by: RP, DEP AND EPA
 ** PRIORITY Site
 ** Public Involvement Plan Site
 ** Organics released at an industrial manufacturer and a landfill from a lagoon or pit resulting
 in a release to the soil, a groundwater release and threat to public wells.

===== [W A I V E R E D S I T E S] =====

List	Site Number	Name	Address	First Listed L.T.B.I.	First Listed Confirmed	Waiver Approved Date	Completion Statement Received
WAIVER	2-0792	135-137 GREAT RD. PROPERTY	135-137 GREAT RD.	04/15/91	07/15/91	05/23/91	/ /
WAIVER	2-0678	ACTON PLAZA	291 MAIN ST.	01/15/90	10/15/90	06/20/90	01/31/91
WAIVER	2-0005	CONCORD AUTO AUCTION	77 HOSMER ST	01/15/87	04/15/89	08/03/90	12/14/92
WAIVER	2-0601	HAARTZ CORPORATION	87 HAYWARD RD.	04/15/89	07/15/90	11/29/90	/ /
WAIVER	2-0099	REXNORD-KNIFE DIVISION	4 POWDERMILL RD	/ /	01/15/87	02/16/93	/ /
WAIVER	2-0860	SUNOCO SERVICE STATION	45 POWDERMILL RD.	07/15/92	07/15/92	06/03/92	/ /
WAIVER	2-0745	SUNRISE SUNOCO	421 MASS. AVE.	07/15/90	07/15/90	07/14/92	/ /

===== [D E L E T E D S I T E S] =====

List	Site Number	Name	Address	Reason for Deletion	First Listed L.T.B.I.	First Listed Deleted	New to List
DELETED	2-0001	ACTON LANDFILL	14 FOREST RD. (RTE 2)	NOT A SITE	01/15/87	07/15/87	

===== [L O C A T I O N S T O B E I N V E S T I G A T E D] =====

List	Site Number	Name	Address	Current Status	Source	First Listed L.T.B.I.	New to List
T.B.I.	2-0008	1009-1019-1023 MAIN ST. PROP	1009-1019-1023 MAIN ST.	P.A.	SAB	01/15/87	

SITES AND LOCATIONS IN THE TOWN OF

*** ACTON ***

March 1, 1994

===== [CONTINUED] =====

L.T.B.I.	2-0340	LAWSBROOK PLACE	31 LAWSBROOK RD. & 1-6 LISA	P.A.	SAB	10/15/88
L.T.B.I.	2-0747	MOBIL STATION	204 MAIN ST.	P.A.	ERB	07/15/90
L.T.B.I.	2-0533	NORTON CHEMPLAST	77 POWDERMILL RD.	P.A.	SAB	04/15/89

=====

TOTAL SITES.: 21 CONFIRMED.: 9 WAIVERED.: 7 DELETED.: 1 L.T.B.I.: 4 REMEDIAL.: 0

EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT

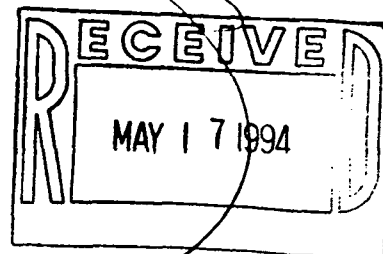


William F. Weld, Governor
Argeo Paul Cellucci, Lt. Governor
Mary L. Padula, Cabinet Secretary

ROLAND -
DOES OUR PLAN NEED TO
BE UPDATED?

cc: BOS

[Signature]



MEMORANDUM

To: Municipal Officials
From: Mark Siegenthaler, Director, Bureau of Planning and Regionalism
Sharon Wason, CAS Coordinator
Subj: Community Action Statements
Date: May 11, 1994

This memo provides updated information on the content and procedural requirements expected of communities as they complete or update Community Action Statements (CAS). The CAS is a locally-produced, planning and program administration tool designed to assist local policy-makers in evaluating municipal needs and setting priorities. It is a three-year action plan that communities also file with EOCD in order to be eligible for most of the assistance programs offered through the Division of Community Services.

A copy of the CAS form was sent last year to Boards of Selectmen or Mayor's offices that requested it. If you require a set of forms, please contact the Bureau of Planning and Regionalism at (617) 727-7001 x.447. EOCD has recently appointed a full-time CAS Coordinator, Sharon Wason, to assist communities with questions and issues which arise during the local CAS process. Please contact her at extension 406.

Communities that have not yet submitted a CAS should review the forms and complete them in accordance with the instructions and the information in this memo.

Communities that wish to update or amend their current CAS should prepare only the replacement forms and submit them in accordance with the instructions and this memo.

Communities that have recently completed other planning activities (for example, Master Plans, Open Space and Recreation Plans, Comprehensive Housing Affordability Strategies - CHAS, Overall Economic Development Programs - OEDP, or HUD required Community Development strategies or Consolidated Plans) can use those resources to assist them in completing the CAS.

Entitlement communities which wish to apply for grants such as MIGS and Strategic Planning need to complete the CAS in order to comply with requirements for those programs. Existing planning efforts such as those listed above should facilitate the process for entitlement communities. Entitlement communities may wish to reference goal setting and priority lists contained in other plans or documents. Excerpts of those plans or documents should be submitted with the CAS. Entitlement communities will also need to hold a public forum and incorporate public comment and concerns in their CAS.

Instruction Updates:

The CAS forms include introductory pages describing content and procedures. In response to questions posed to the Division during the past 12 months, the following are intended to clarify some points contained in the materials.

Who prepares the CAS? It is EOCD's belief that the CAS can and should be completed by the municipal officials. This process should be at the direction of the Board of Selectmen or Mayor's Office. EOCD specifically discourages the use of consultants to prepare the CAS but it may be useful to contact your Regional Planning Agency to facilitate the process, particularly if several abutting communities are initiating the process at the same time.

What if our Community doesn't have a Board or Commission that's listed in the CAS? Communities should feel free to customize the CAS. Your municipality may, for example, have both a Conservation Commission and an Open Space Committee which together perform the activities and provide the services listed in the CAS under "Conservation Commission". Your municipality might not have all the Boards and Commissions listed in the form, so the information should be requested from the Board or Commission or community group that provides the service or performs the activity listed.

What if our Community wants to include other information? Communities can ask any other Board, Commission, or community group to provide information that assists them in developing a comprehensive CAS. Follow one of the departmental sheets included in the CAS form to develop forms for additional departments. Your school department, City or Town Clerk, or other department not included in the boilerplate CAS may provide services or activities that need to be included. (For example, does your School Department have a printing or reproduction department that all departments utilize? Does your City or Town Clerk provide services such as telephone answering, referrals, or permit issuance for other departments?)

How do we describe our Community's needs? Communities should evaluate their problems and needs as comprehensively as possible, looking at the full range of fiscal, social service, administrative, and functional implications of issues. In the case that the same issue or need is reported by more than one Board, Commission, or department, the Community should evaluate what common situations or circumstances are causing the problems or creating the local need so that it can more clearly identify the underlying factors.

How do we identify the three to five greatest priorities for our Community? After the Boards, Commissions, departments, and community groups complete their information sheets and identify their needs, these groups should meet together to identify the common needs and specific critical needs and to begin the consolidation of information in a preliminary list. The preliminary list will certainly exceed three to five issues, but this group can then begin the process of prioritizing issues to identify the three to five greatest needs for discussion in a public meeting.

How is the public involved? Prior to completion or amendment of the CAS, the community should provide for citizen comment in a public forum. This does not have to be a formal advertised public hearing like the CDBG hearing, but can be a discussion at the Selectmen's meeting, discussion at Town Meeting, or other open, public forum. You may find that public comment is increased if you are able to inform citizens (through a news release, cable announcement, postings, etc.) of the meeting. Further identification of the three to five greatest needs will occur as a result of public comment.

What happened to the information following page 42 in the CAS form? For communities completing a Small Cities application for FY94, EOCD will no longer require the Community submit various statistics and Census information, but will refer to data on file at EOCD.

What if our Community has already completed the CAS and we forgot something or we want to update it? Community Action Statements are valid for three years after they are filed with EOCD. You may submit amendments, additions, or corrections at any time, but such additional information will not extend the three year period. Communities are reminded that for eligibility under the FY94 Massachusetts Small Cities Program or Municipal Incentive Grant programs, amendments must be filed by July 1, 1994.

Communities are also reminded that they may request the "Community-wide statistical needs" data by requesting the information in writing. This information is a component of Small Cities applications and may be useful in preparing the CAS, as communities should incorporate the needs of low-moderate income persons, the elderly, handicapped people, and other target groups in the CAS. Unfortunately, this information is not available for entitlement communities because this database was developed exclusively for Small Cities eligible communities. We suggest entitlement communities rely on census statistics.

During April, EOCD conducted a series of informational meetings regarding the CAS and upcoming grant programs. Our presentations included background discussion of the purposes and anticipated results of completing a CAS. The outline of EOCD's comments is attached and may be of further assistance in preparing a CAS. The Agency is confident that the CAS will continue to be a useful tool for everyone involved. Please do not hesitate to contact us if you need additional information.

COMMUNITY ACTION STATEMENT NOTES:

What Is A Community Action Statement - (CAS) ?

A Tool for Communities:

- An Inventory of Local Government
- A Description of Local Needs
- A Priority-Setting Tool and Process

- A Communications Tool
 - Inside Local Government
 - Local-To-State

A Tool for EOCD:

- All of the Above Regarding Local Gov't.
- A Program-Setting Tool
- A Program-Protector

- A Communications Tool
 - Inside State Government
 - State-to-Local

What's the CAS Process?

- Steps Coordinated by Selectmen/Mayor/Chief Elected Official
 - Information gathering
 - Multi-interest meetings
 - Public priority setting process

Is this possible to do? - 170 plus communities have filed so far

EOCD constructed the CAS carefully and field-tested it

CAS should reflect All Needs, All Priorities, not be Program Driven

CAS should be locally defined - Link Subjects/Functions, Add Forms as Desired

Once submitted, CAS can be amended by Filing Replacement Sheets after Same Steps/Process as original document

Community submits a full update every 3 years

ACTON BOARD OF HEALTH

MINUTES

MARCH 28, 1994

MEMBERS PRESENT: WILLIAM MCINNIS (CHAIRMAN)

MARK CONOBY

CORDELIA ALFARO

PETER VAILLANCOURT

JONATHAN BOSWORTH

STAFF PRESENT: DOUG HALLEY (HEALTH DIRECTOR)

HEATHER MEYER (SECRETARY)

OTHERS PRESENT: STEVEN GRAHAM (ACHC)

PETER BERRY (ACHC)

KEVIN MCMANUS (ACHC)

BETTY MCMANUS (ACHC)

NANCY TAVERNIER (ACHC)

The meeting opened at 7:35 p.m.

MINUTES:

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to accept the minutes of February 7, 1994 following corrections.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to accept the minutes of February 28, 1994 following corrections.

ACTON COMMUNITY HOUSING CORPORATION PRESENTATION:

The Members of the Acton Community Housing Corporation (ACHC) were present to properly inform the Board as to what ACHC is all about and to give their proposal for the Affordable Housing on Adams Street. The ACHC would also like the support of the Board of Health in regards to Health issues if needed at the upcoming Town Meeting.

Steven Graham of ACHC gave the presentation to the Board.

The project proposed is on 4 acres of land in South Acton on Adams Street. Pending approval by all departments needed, it is proposed to have at the most 8 units constructed on this site. The units will be 1,260 sq. ft. and will be sold for approximately \$94,500.

The main perceived objection to this project is that by building on this property, a majority of the trees will have to be removed. By doing so, they will be removing the natural barrier (the trees) that the area has to the neighboring sewage treatment plant in Maynard. Some residents claim that the odor that is emitted from the plant will have less to block it and will travel into the neighborhood.

Mr. Conoby asked if there are any houses closer to the treatment plant than these proposed units. Mr. Graham answered that in Maynard there are houses closer than the 350 ft. distance that these units will be from the plant.

It was brought to the Board's attention that there are homes in Acton near other treatment plants such as Briarbrook and the North Acton Treatment Plant in Nagog Park.

Mr. McInnis prompted the Board to answer the question of whether or not there is an unacceptable health risk to the area and the people that live there at this time.

The Board decided that at the present time, there are no special or unacceptable health risks in the area proposed for the affordable housing.

The Board of Health agreed to support the proposal of the ACHC at Town Meeting if needed.

OCCUPANCY REQUEST - 3 SPRUCE STREET:

Mr. William Hurd requested that the Board of Health amend their decision of July 24, 1989 to allow the additional occupancy of 3 Spruce Street. The previous decision allowed the occupancy of the main level of the building for ballet classes. Mr. Hurd would like to occupy the lower level for similar purposes (ballet classes & ballet company rehearsals). Mr. Hurd has submitted water records which indicate the facility is far below the anticipated flow. The Health Department has reviewed this material in relationship to Title 5 requirements and the Board of Health requirements. The Health Department recommended approval of this amendment request with the condition that water records be provided every six months for this facility for the next two years.

On a motion made by Mr. Conoby, seconded by Ms. Alfaro, the Board unanimously voted to grant the occupancy request with the following conditions:

1. Water records for this facility shall be submitted to the Board of Health every six months for the next two years.
2. The Board shall be notified immediately of any if there is any exceeding of the flow rates granted on July 24, 1989.
3. There shall be no showers allowed at this facility.

HAZARDOUS MATERIALS CONTROL PERMIT - MASS HARDWARE, 275 GREAT ROAD

Mass Hardware of 275 Great Road, requested that the Board grant them a Hazardous Materials Control Permit for the facility at the above address. Retail sales is the main form of business conducted at the site.

New and used motor oils are the hazardous materials stored here. They are considered a Very Small Quantity Generator of Hazardous Materials under D.E.P. Standards. Murphy's Waste Oil of Woburn is the licensed disposer.

It was reported that on March 4, 1994 an inspection was conducted on the premises. The facility was found to be clean and free of clutter. There were some things that were pointed out to the Rick Johnson (Facility Manager). Two (2) 55 gallon steel drums stored outside appeared to be old and rusting and should be replaced with plastic drums. Speedy Dry (or its equivalent) should be placed near these drums for easy use should a spill occur. In addition, all employees involved in hazardous materials handling need to be trained and the company should address it. The two (2) 55 gallon drums are currently sitting on the ground behind the building underneath a trailer. It was explained to Mr. Johnson that this was not the proper storage. The Steel drums will be replaced with plastic ones and stored on a concrete floor within a concrete dike that allows 110% containment. These drums should be placed within a shed. The Health Department recommended to the Board that they grant a Hazardous Materials Control Permit to Mass Hardware, 275 Great Road, Acton.

On a motion made by Mr. Bosworth, seconded by Ms. Alfaro, the Board unanimously voted to grant Mass Hardware of 275 Great Road, Acton a Hazardous Materials Control Permit under the following conditions:

1. All Hazardous Materials and Wastes shall be stored in a containment area capable of storing 110% of the largest unit volume stored in the Containment area.
2. All Material Safety Data Sheets (MSDS) for the Hazardous materials shall be stored on site, and shall be made available to all employees upon request and reviewed with all employees on a regular basis.
3. A Contingency Plan, including emergency contact numbers (Telephone Numbers of the owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations, shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.

4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees wherever Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of all manifests, for any Hazardous Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
9. Floor cleaning procedures and bathroom sanitation products shall use only nontoxic and biodegradable cleaning compounds.
10. Acid (solvent) resistant (rubber) gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
11. D.E.P. Generator Registration shall be provided annually upon renewal of the Hazardous Materials Storage Permit.
12. Visual monitoring of all spill containment vaults and tanks shall be made every six months with a log of the inspections kept on site and a report given to the Board of Health if any spill containment vaults or tanks have received any Hazardous Materials spills since the last inspection.
13. The operation of this facility shall be in compliance with all present and future regulations of E.P.A and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all future applicable laws or regulations of the Federal or State Governments.
14. All exterior above ground storage tank areas shall have secondary containment, as well as be protected from the elements and restricted access from the public.

15. All materials that are to be submitted to the Board of Health shall be submitted within sixty days after their receipt by the applicant.

16. The two (2) 55 gallon steel drums shall be replaced with appropriate 55 gallon plastic drums. The steel drums shall be disposed of properly.

17. All employees that handle any hazardous wastes shall be trained by Mass. Hardware in the proper handling of those materials.

VARIANCE REQUEST - LOT 6 JAY LANE:

Lancewood Engineering, on behalf of Northwest Structures requested that the Board grant a variance from 310 CMR 15.14 for a house to be constructed at Lot 6 Jay Lane. The proposed construction of the septic system for this lot cannot meet Title 5's breakout requirements. A clay barrier is proposed to mitigate any environmental impacts.

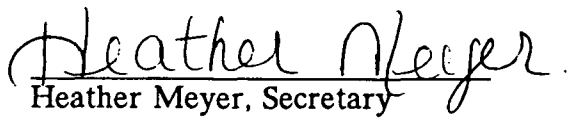
The Health Department recommended approval of this variance from 310 CMR 15.14.


On a motion made by Mr. Vaillancourt, seconded by Mr. Bosworth, the Board unanimously voted to grant the variance from 310 CMR 15.14 to Lancewood Engineering with the following conditions:

1. The clay barrier shall be two feet in width and at least four feet below the lowest portion of the leaching system and a minimum of two feet into natural materials.
2. The disposal works system shall be built in accordance with a plan submitted by Lancewood Engineering dated October 25, 1993. Prior to a Certificate of Compliance being issued, the applicant shall demonstrate that the clay barrier is impervious in accordance with the standards of Title 5.

On a motion made by Ms. Alfaro, seconded by Mr. Vaillancourt, the Board unanimously voted to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,


Heather Meyer, Secretary


William McInnis, Chairman
Acton Board of Health

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief George W. Robinson
FROM: Det. Todd D. Fenniman
SUBJ: National Child Safety Council Award

DATE: May 4, 1994

Town Manager
Information

Chief,

On May 4, 1994, Larry Barnes and Tom Rico of the National Child Safety Council(National Office: 4065 Page Ave. Jackson, MI 49204) came into the station and presented us with a special 5 year award for "recognition of outstanding and dedicated service to the safety of children." An engraved plaque was given to us to be displayed in our lobby. Our police department was recognized for our commitment to the youth of the community through our pro-active programs which serve to educate and protect them. We were recognized for our dedication to the D.A.R.E. program, various safety talks that we give, our strong relationship with the schools, and our Halloween safety program, just to name a few.

I'm sure you feel as I do that it is nice to be recognized for the work that we as a department do, and for the work as Youth Officer that I personally enjoy so much.

The plaque was accepted on your behalf and photos were taken for distribution to the local media. Congratulations to you and the rest of our department for whom this award was bestowed.

GEORGE }
TODD }

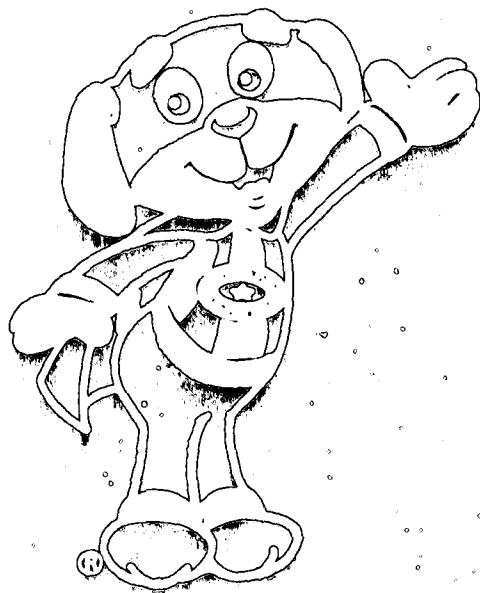
5/11/94
CONGRATULATIONS FOR THE WORK
THAT HAS BEEN DONE AND KEEP
UP THE HIGH STANDARDS YOU HAVE
SET. THIS SPEAKS WELL OF OUR
COMMUNITY !

[Signature]

cc: BOS
PERS. FILE

National Child Safety Council

PRESENTED IN RECOGNITION
OF OUTSTANDING AND DEDICATED SERVICE
TO THE SAFETY OF CHILDREN



ACTION
POLICE DEPARTMENT
SPECIAL 5 YEAR AWARD

"Next to creating a life, the greatest thing one can do is save a life." A. Lincoln



May 13, 1994

Canonie Environmental Services, Inc.
14 Inverness Terrace, Suite 200
Englewood, Colorado 80110
Phone (303) 990-1747
Fax (303) 990-1748

93-412-01

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
90 Canal Street - Region I
Boston, Massachusetts 02114

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

SUBMISSION OF CONSTRUCTION QUALITY CONTROL PLAN
ACTON REMEDIATION PROJECT
ACTON, REMEDIATION

Dear Ms. Jennings and Mr. Benoit:

W.R. Grace & Co. - Conn. hereby submits the Construction Quality Control Plan for the remediation activities at the Acton, Massachusetts site. This plan has been prepared by GZA Remediation, Inc. and includes comments received from the GP's. This quality control plan is referenced in the Site Work Plan submitted to you on May 10, 1994. The document is bound in 2 volumes.

Should you have any questions, please call.

Very truly yours,



Thomas L. Stoneman, P.E.
Regional Construction Manager

TLS/ts

enclosures

DISTRIBUTION

Lynne Jennings (4)

Edmond Benoit (3)

cc: D. Halley, Acton (3)
R. Sullivan, GZA (1)
L. Ingram, Grace (1)
M. Johns, Grace (1)
T. Stoneman, Canonic (1)
J. Swallow, Pine & Swallow (1)
M. Moore, Concord Board of Health (1)
W. Cheeseman, FHE (1)
W. Pencola, ENSEARCH Env. Corp. (2)

C. Tuttle, DEP-Boston (2)
J. DeStefano, GZA (1)
S. Anderson (1)
H. Fox, Sierra Club (1)
C. Myette, Wehran-MDEP (1)
R. Eisengrein, ACES Tag Mgr (1)
D. Johnson, Acton (1)
M. Stoler, Grace (1)
J. Okun, O'Reilly & Talbot, Inc. (1)



William F. Weld
Governor

Trudy Coxe
Secretary, EOE

Thomas B. Powers
Acting Commissioner

11 May 1994

Commonwealth of Massachusetts
Executive Office of Environmental Affairs

Department of Environmental Protection

CC: BOS- FYI -

STAFF WILL BE PREPARING AND SUBMITTING
AN APPLICATION FOR

THIS MATERIAL

IT COULD

REPRESENT

25% OF THE

COST OF CAPPING THE

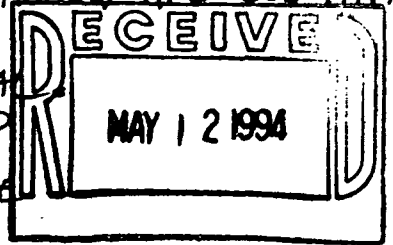
LANDFILL (COST OF CAPPING

IS PROJECTED IN THE \$1.25 ML.

RANGE.)

RE: DSWM - CA/T

Clay Applications
for Landfill Capping



Dear Chief Elected Official(s):

On April 15th, the Department of Environmental Protection (DEP) in conjunction with the Massachusetts Highway Department (MHD) mailed an application package to all cities and towns for the receipt of clay from the Central Artery Project to cap municipal landfills. The DEP and MHD held two workshops for municipal officials and consultants on April 27 and May 3, 1994. The purpose of the workshops was to entertain questions relative to the application and the CA/T project. Based upon those meetings, a list of questions and answers has been developed and is enclosed to assist you in completing the application.

This letter is intended to provide the following information:

1. Announcement of an extended filing date.
2. Confirmation of the requirement for submittal of an approvable stockpiling plan with the application.

1. FILING DATE EXTENSION

Based on the questions received at the workshops and the need to provide an approvable stockpiling plan, the date for submittal of the application is hereby extended to 4:00 p.m., May 27, 1994. Applications are to be submitted to:

Department of Environmental Protection
Division of Solid Waste Management
1 Winter Street, 4th Floor
Boston, MA 02108
ATTENTION: Richard Gioiosa

2. STOCKPILING PLAN SUBMITTAL

A stockpiling plan prepared in accordance with the guidance in the application is a requirement of all applications. Failure to submit such plan will result in a determination that the application is incomplete. Only complete applications will be forwarded by DEP to MHD for inclusion in CA/T Phase I contracts as a site for receipt of clay. The DEP will issue determination letters the first week of July. These determination letters will state whether the application has been found complete and forwarded to MHD, or found incomplete. Incomplete applications will not be included on the list of facilities eligible to receive Phase I clay and will be returned to the applicant for future resubmittal for Phase II clay.

If you have any questions or desire additional information, please call the following:

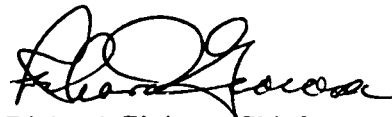
For Clay Application or Regulatory Questions:

Mr. David Murphy (DEP) at (617) 556-1066, or;
Mr. Joel Hartley (DEP) at (617) 292-5661, or;
Mr. Eric Fahle (DEP) at (617) 292-5970.

For General Process and Project Questions:

Mr. Chris Barnett (MHD) at (617) 951-6231.

Sincerely,



Richard Gioiosa, Chief
Compliance and Enforcement
Division of Solid Waste Management

Enclosure: Questions & Answers

G/jh

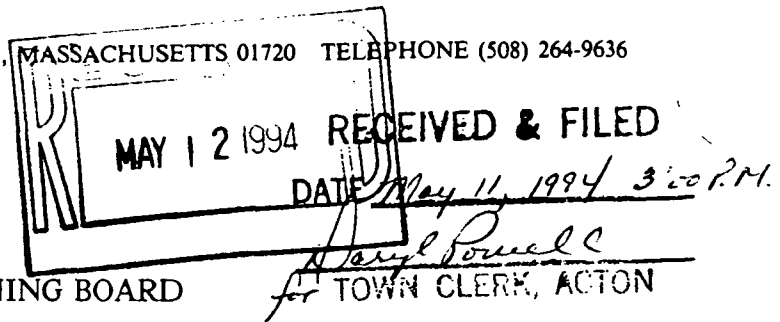
cc: DEP Regional Offices
Gloria Fry, Chris Barnett, MHD



cc: BOS

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



ACTON PLANNING BOARD

Minutes of Meeting

April 25, 1994

Planning Board members in attendance were: David Hill, Chairman; William Shupert, Vice Chairman; Douglas Carnahan; Gregory Niemyski; James Lee; John Pavan; and Associate Members Richard Crosswell and Joshua Chernin. Planning Board member Mary Giorgio was not in attendance. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended.

I Consent Agenda

A. Mr. Lee moved that the Board vote to approve the consent agenda (minutes of 3/28/94 meeting and selected Executive Session minutes). His motion was seconded by Mr. Niemyski and passed by unanimous vote of the Board.

II Tom DiPersio, Residential Compound on High Street

Mr. DiPersio did not appear for his appointment. Mr. Bartl explained that the property owner wishes to create one conforming lot out of the 2.6 acre parcel. Mr. Pavan suggested that the property owner should seek a variance first because it doesn't rule out the possibility of a residential compound later if the variance isn't granted and the costs for the variance are likely to be considerably less. Mr. Niemyski said that he didn't want to see any portion of the road layout in the wetlands. Mr. Crosswell said that the Board should avoid creating paper roads where possible. Mr. Bartl pointed out that the Board has approved a couple of Residential Compounds in recent years including Haley Lane and Albertine Circle. Mr. Bartl believes that the Residential Compound option was probably added to the Subdivision Rules for the development of backland lots that became non-conforming as a result of zoning changes.

III Village Planning Report

Mr. Shupert reported that the West Acton Village Planning Committee will hold its final meeting on May 17, 1994.

The South Acton Village Planning Committee will be meeting tomorrow night and will meet five times between now and the end of June. Mr. Shupert informed the Board that the committee hopes to have the draft of the South Acton Village Plan available in July.

IV Public Hearing, New View Neighborhood

Mr. Hill opened the hearing at 8:05 PM. Mr. Robert Engler introduced the

representatives of the development team present and recognized Mr. Michael Bradley of School Street. Mr. Bradley explained that the members of the New View Neighborhood group are of varying ages, incomes, races and religions with varying housing needs. The development proposal attempts to meet these needs, but the number of units proposed does not meet the needs of all of the members.

Mr. Peter Quinn, architectural consultant for the development, described the site, the groups desire for separation of automobiles and pedestrians, the preservation of the landscape at the entrance, the landscape design and the energy efficient nature of the homes.

Mr. Engler addressed the comments received from Town staff. He believes that all of the technical issues can be resolved including the safety issues. Mr. Engler stated that the project will need an Order of Conditions from the Conservation Commission. The recommendation for a sidewalk along Central Street will be considered by the development group, but economics is an issue. Mr. Engler reported that the Board of Health has issued permits for the development, and that a recent memo indicates that 1.97 acres of the Gregory Lane development could be used in New View which would bring the unit count to 23. Mr. Engler stated that the group is considering a comprehensive permit to avoid the zoning problems that have been identified. He stated that these issues must be resolved before the next session of the public hearing.

Mr. Niemyski asked to be advised of Town Counsel's opinion. Mr. Bartl responded that Town Counsel has advised that the Open Space Development Special Permit for Gregory Lane would have to be amended to allow this to occur. Mr. Bartl also pointed out that there may be protective covenants in place in the Gregory Lane development and said that the applicants will have to determine what rights, if any, the landowners on Gregory Lane have in the re-division of lot 3.

Mr. Hill inquired whether a single family house could be sited on lot 3. Mr. Engler replied that it may be possible depending on how much reserve capacity is needed for New View.

Mr. Lee inquired whether the applicant could ensure that there would be no subsequent requests for reduction in set-backs and building separation if the Board grants the requested waivers. Mr. Quinn replied that the design includes more land than is required by the Bylaw and that the revised plan will show the 30' buffer.

Mr. Niemyski asked where the emergency access will be located. He also asked about the difference of opinion between the Acton Water District and the applicant's engineer with respect to pipe size, pressure and the need to loop the water main. Mr. Engler replied that he is waiting for additional comments from the Fire Chief after the Chief visits similar properties in other communities. The project engineer will work with the Water District to determine the water supply needs and design of the system.

Mr. Pavan commended the applicant for a good plan and concept and said that he hoped the outstanding issues could be resolved. Mr. Pavan questioned why the road is designed to be private instead of a public road. Mr. Quinn replied that the road design meets most of the design requirements, if not all, but that the group wants to retain ownership as a good will gesture to eliminate additional

infrastructure that would need to be maintained by the Town.

Mr. Pavan also questioned whether the stub projection to the adjacent undeveloped parcel will be usable in the future. Mr. Quinn said that the stub is located at a point where the contours change significantly and that it is also at the point where the public road becomes a private road. Mr. Pavan inquired about the "winter use" easement. ~~Mr. Quinn said that it was labelled because the area is very wet and that year round use may damage sensitive wetlands.~~

With regard to the affordable housing option used to increase density, Mr. Pavan questioned which option would be used. Mr. Engler said that the project proposes to use Option 4 and that they have met with the Acton Community Housing Corporation several times. Mr. Pavan inquired why the development does not include affordable units instead of a cash donation to the ACHC. Mr. Engler replied that the Option was chosen for economic reasons.

~~Mr. Pavan questioned whether there is a contingency plan in place in the event members "drop out". Mr. Bradley responded that there is a waiting list for members to purchase within the neighborhood.~~

Mr. Shupert asked whether the dumpsters located near the future workshop area would be visible from Central Street. Mr. Quinn replied that the dumpster would be screened. Mr. Shupert advised the applicant that the West Acton Village Plan identifies the need for a sidewalk along Central St. as a high priority.

Mr. Carnahan said that the applicant has proposed an exciting project and that he can appreciate the sense of community they are trying to create within the development. Mr. Carnahan said that linking the new neighborhood to the existing village is important and that he supports the construction of a sidewalk along Central St.

Mr. Croswell pointed out that there are long distances from the parking areas to the houses and that the distance plus the grades may cause problems for the 8' wide access to the houses. Mr. Croswell questioned whether the group had considered including a swimming pool or other recreational facilities in the Common House. Mr. Quinn said that the group would like to include a pool, but that it isn't included due to the high costs involved. Mr. Croswell said that the group may want to consider making the pool a membership facility that would be open to Town residents as a method to help fund the pool.

Mr. Chernin inquired whether the 4' wide pedestrian path would be constructed from New View to Gregory Lane. He advised that the path could be considered for emergency access if needed.

Mr. Mead of Mead Nominee Trust, abutter, asked where the future access road will be located. Mr. Quinn said that the access road is about 1/2 of the way up the common property boundary. Mr. Hill said that this access will exist on paper and will not be constructed until the abutting property is proposed for development.

Mr. Hill informed the public that the Board will be conducting a site visit and that the public is welcome to attend.

Mr. Dennis Ahern of 298 Central Street said that the West Acton Village

Planning Committee feels the development will be beneficial to West Acton and would enhance the village atmosphere. He reiterated the Committees recommendation that a sidewalk be constructed along Central Street.

Mr. Wendell of 1 River St. offered general support for the proposed development and said that it is a great idea for an historic village to have this type of development patterned after the village.

Mr. Niemyski inquired whether 23 units is the maximum allowed under the PCRC provision in the Bylaw. Mr. Engler said that it could go to 24 units if there is an additional contribution to affordable housing, but that this is probably not economically feasible.

Mr. Lee moved that the public hearing be continued to 3:00 PM on Saturday, May 14th in front of the Sisson house at 344 Central Street and to June 6 at 8:00 PM in Room 204 of the Town Hall. His motion was seconded by Mr. Shupert. The applicant agreed to the continuation. The motion was passed by unanimous vote.

V Lunn & Sweeney Corp.. Requests for Setback Variations

A. Unit 27, Abel Jones Place in Mill Corner. Mr. Niemyski stated that he thought Mr. Sweeney had come in with all of his changes previously. Mr. Shupert recalled that the Board has specifically asked to have all requests for variations of setback requirements done at one time.

Mr. Shupert moved that the Board vote to table discussion of this request until L&S can present requests for all of the remaining units, unless the closing is scheduled before the next Board Meeting. If the closing is scheduled, Mr. Bartl is authorized to act for the Board. Mr. Lee seconded the motion.

Mr. Shupert said that staff should be sure that L&S understands that the Board is very frustrated with this continuing problem and that it is unwilling to take other issues under consideration until this issue is resolved. The motion was passed by unanimous vote.

B. Lot 6, Woodfield Rd. in the Maple Creek PCRC. Mr. Niemyski moved that the Board vote to deny the requested variation that would allow construction of a deck for a proposed house on lot 6 to be constructed in the required setback to the common land. Mr. Shupert seconded the motion Mr. Pavan sated that a direct abutter may be impacted without an opportunity to comment. Mr. Shupert said that the variation isn't necessary because there are other alternatives available. The motion carried by unanimous vote.

VI Comments for Rep. Resor on Pending Legislation

Mr. Pavan distributed draft comments for the Board's review. Mrs. Jacobs reported that the Bill will be reported out of committee. The sponsors of the Bill are working on a revised version that will address many of the concerns raised during the series of public meetings. The revised version should be distributed within the month and Rep. Barbara Gray will be seeking comments. The Board agreed to schedule this item on the agenda for the next meeting.

Other Business

Site Plan Public Hearings

Board members agreed to delegate members to attend site plan public hearings on a rotating basis.

The meeting adjourned at 10:30 PM.

Respectfully submitted,

John Pavan, Clerk

dw11.178



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE May 11, 1994 3:00 P.M.

David Russell
for TOWN CLERK, ACTON

MODIFICATION OF DECISION (93-1)

Planned Conservation Residential Community Special Permit

MILL CORNER
(Lunn & Sweeney Corporation)

May 9, 1994

MODIFICATION by the Planning Board (hereinafter the Board) of its Decision issued on February 22, 1993 and filed with the Town Clerk on February 23, 1993 for the Mill Corner Planned Conservation Residential Community Special Permit (hereinafter the ORIGINAL DECISION) located at 133-147 Main Street, Acton, MA.

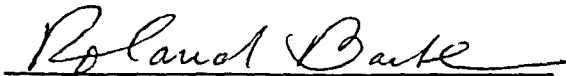
This MODIFICATION is in response to the request of Lunn & Sweeney Corp. (hereinafter the Petitioner) for a modification of the Decision to approve the location of chimneys and bulkheads which were not shown on the approved record plan and to approve the location of units, decks, chimneys and bulkheads for EUA's 24, 25 and 34 as shown on a plan entitled "Plan of Unit 32", dated March 31, 1994.

At its regular meeting of May 9, 1994, the Board determined that the requested modification is minor in nature and as such does not require a public hearing. The Board finds that this Modification is consistent with the purpose and intent of the Rules and Regulations for Planned Conservation Residential Communities, the Town of Acton Zoning Bylaw, and with the terms of the ORIGINAL DECISION.

Therefore, the Board voted on May 9, 1994 to modify the ORIGINAL DECISION as follows:

1. to approve the location of chimneys and bulkheads for all units except units 24, 25 and 34; and
2. to approve the location of units, decks, chimneys and bulkheads for EUA's 24, 25 and 34 as shown on a plan entitled "Plan of Unit 32", dated March 31, 1994.

Signed on behalf of the Acton Planning Board.



Roland Bartl, Town Planner

cc: Lunn & Sweeney Corp.
Acton Survey & Engineering
Board of Selectmen
Board of Health
Conservation Commission
Engineering Administrator
Building Commissioner
Town Clerk

dlib.52



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

RECEIVED & FILED

DATE May 11, 1994 3:00 PM

Daryl C. Proulx
TOWN CLERK, ACTON

MODIFICATION OF DECISION (93-2)

Definitive Subdivision Approval
and
Planned Conservation Residential Community Special Permit

HEARTHSTONE FARM
(Northwest Structures, Inc.)

May 9, 1994

MODIFICATION by the Planning Board (hereinafter the Board) of its Decision issued on February 22, 1993 and filed with the Town Clerk on February 23, 1993 for the Hearthstone Farm Definitive Subdivision Approval and Planned Conservation Residential Community Special Permit (hereinafter the ORIGINAL DECISION) located on Strawberry Hill Road and Pope Road, Acton, MA.

This MODIFICATION is in response to the request of Kevin J. Fitzgerald (hereinafter the Petitioner) for a modification of the Decision to eliminate 1.21 of the FINDINGS AND CONCLUSIONS and to eliminate 3.23 of the PLAN MODIFICATIONS.

At its regular meeting of May 9, 1994, the Board determined that the requested modification is minor in nature and as such does not require a public hearing. The Board finds that these two items relate to the PCRC Special Permit granted with the ORIGINAL DECISION. The Board finds that this Modification is consistent with the purpose and intent of the Rules and Regulations for Planned Conservation Residential Communities, the Town of Acton Zoning Bylaw as amended by vote of the 1994 Annual Town Meeting, and with the terms of the ORIGINAL DECISION.

Therefore, the Board voted on May 9, 1994 to modify the ORIGINAL DECISION as follows:

1. Eliminate item number 1.21 of the FINDINGS AND CONCLUSIONS; and
2. Eliminate item number 3.23 of the PLAN MODIFICATIONS.

Signed on behalf of the Acton Planning Board.



Roland Bartl, Town Planner

cc: Northwest Structures, Inc.
Kevin J. Fitzgerald
Board of Health
Conservation Commission
Engineering Administrator
Building Commissioner
Town Clerk

dlib.52

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Norman Lake, Chairman
Board of Selectmen

April 26, 1994

Atlantic Seafood Grill
Ali Zosherafatain
77 Great Road
Acton, MA 01720

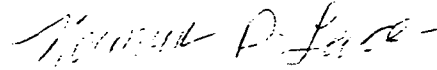
Dear Mr. Zosherafatain:

On April 29, 1994 the Acton Police Department conducted a spot check with respect to your policies and procedures for the service or sale of alcoholic beverages to minors. The Board of Selectmen has been advised by the Police Chief that, during the course of this check, your establishment allowed the purchase of an alcoholic beverage by a minor.

The Board of Selectmen considers this to be a serious violation of the responsibilities of a Liquor License holder in the Town of Acton and has ordered a hearing into this matter. The hearing will be before the Board of Selectmen at 8:35 PM on June 21, 1994 in Room 204 of the Acton Town Hall. You or your duly authorized representative are requested to appear before the Board at that time to explain the circumstances related to the incident in question and to detail the safeguards that you have enacted to insure that such incidents do not occur again. Your testimony will be considered in the Board's determination as to what action(s) it will take under the circumstances.

Please contact the Town Manager's office at 264-9612 to confirm your representation at the scheduled hearing.

Very truly yours,



Norman D. Lake, Chairman
Board of Selectmen

DPJ:992

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Norman Lake, Chairman
Board of Selectmen

April 26, 1994

Papa Gino's Acquisition Corp.
82 Powdermill Road
Atten: Mgr.
Acton, MA 01720

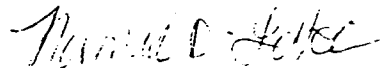
Dear Manager:

On April 29, 1994 the Acton Police Department conducted a spot check with respect to your policies and procedures for the service or sale of alcoholic beverages to minors. The Board of Selectmen has been advised by the Police Chief that, during the course of this check, your establishment allowed the purchase of an alcoholic beverage by a minor.

The Board of Selectmen considers this to be a serious violation of the responsibilities of a Liquor License holder in the Town of Acton and has ordered a hearing into this matter. The hearing will be before the Board of Selectmen at 8:15 PM on July 12, 1994 in Room 204 of the Acton Town Hall. You or your duly authorized representative are requested to appear before the Board at that time to explain the circumstances related to the incident in question and to detail the safeguards that you have enacted to insure that such incidents do not occur again. Your testimony will be considered in the Board's determination as to what action(s) it will take under the circumstances.

Please contact the Town Manager's office at 264-9612 to confirm your representation at the scheduled hearing.

Very truly yours,



Norman D. Lake, Chairman
Board of Selectmen

DPJ:992

Volunteer Coordinating Committee Minutes
25 April, 1994

Present: Comstock, George, Husbands, Lane, Kadlec, Whitcomb

Meeting was called to order at 7:36 pm at Acton Town Hall. Minutes of 28 March 1994 were reviewed and approved as submitted.

Interviews:

Marion Maxwell: Expressed an interest in a possible position as an associate on the Board of Appeals. Over the period of 1975 to 1985 she served on the Acton Board of Appeals for 5 years as a full member and 5 years as an alternate. She left the board when her employment required her to spend more time in Boston. Marion has a BA in Psychology from Framingham State and a Certificate as a Paralegal from Boston University. She was employed for six years as a paralegal for a major Boston law firm, specializing in zoning and subdivision area. Marion has lived in Acton for the past 25 years and in Massachusetts all of her life. As she no longer works in Boston she thought her background and previous experience might be useful to the Town on the Board of Appeals. However, she expressed an interest in serving the Town in any capacity they might require, as long as the time commitment is not excessive.

Beverly Shorey: Expressed an interest in being appointed as an alternate with the Board of Assessors or becoming a member of the Volunteer Coordinating Committee. Beverly has recently purchased a home in Acton and would like to become a responsible contributor to the Town by volunteering for help where it is needed. She has lived in Acton for 9 months and in Massachusetts for the past 30 years. She is employed by AT&T and holds an ME from Tufts University, an MS from BYU, and a MBA from BU. Beverly is also a registered professional engineer. After discussing several possible positions it was suggested that she attend some of the meetings of town organizations that currently require help, to find a good match between her interests and the needs of those organizations.

David Van Speybroeck: Did not express an interest in any particular possible volunteer position. David is an Attorney with Foley, Hoag and Eliot in Boston. He has a BA from Hamilton College and a JD from BU School of Law. He has lived in Acton for 4 years and in Massachusetts for the past 31 years. He lived in Concord for some time prior to moving to Acton. As part of his practice David has been involved with litigation concerning Planning Board decisions and Assessors decisions. As an attorney he has represented Malden and the Town of Saugas. He indicated that he felt he understands the duties of the Planning Board and Assessors positions and he would like to be considered for an opening on these boards if a position becomes available.

Evelyn Olschewski: Expressed an interest in the Prison Advisory Committee. She is retired and presently serves on the Acton Board of Voter Registration. She selected the Prison Advisory Committee as she is interested in what is happening at the Concord Facility and how the prisoners relate to the community. She previously volunteered as a counselor at Lancaster for several years, and she thought the experience was rewarding.

Old Business:

Survey forms have been returned by the following organizations:

Board of Appeals, Council on Disability, Council on Aging, ACC, Planning Board, and Prison Advisory Committee

Survey forms have not been received from the following organizations:

Acton-Boxborough Arts Council, Cable Advisory Committee, Cemetery Commissioners, Fair Housing Committee, Metropolitan Advisory Planning Council, Minuteman Home Care, Minuteman Vocational School Representative, Recreation Commission, South Acton Revitalization Committee, Town Report Committee, and the VCC.

individuals were named to contact these organization to determine the status of the survey forms.

New Business:

Board Needs: It was decided to advertise for openings for the Hanscom Field Advisory Commission and members for the recently developed Municipal Power Organization Study.

John Ekberg has filed an application for a position on the Hanscom Field Advisory Commission. John is currently a member of the Fort Devens Reuse Task Force.

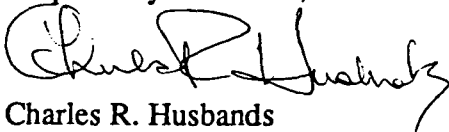
Recommendations for Candidates:

No recommendations were made for any candidates at this time.

No appointments were made by the Board of Selectmen during this time period.

The meeting was adjourned at 9:32 pm., with the next meeting is scheduled for 9 May 1994.

Respectfully Submitted,



Charles R. Husbands

cc: Board of Selectmen, Town Clerk



cc: BOS- FYI

INTER-DEPARTMENTAL COMMUNICATION ■■■■

Acton Board of Health • Telephone 508-264-9634 • Fax 508-264-9630

May 13, 1994

TO: Don Johnson, Town Manager

FROM: Doug Halley, Health Director

SUBJECT: Educational Forum on Acton's program of Mosquito spraying

On Thursday evening, May 12, 1994, I attended and participated in an educational forum, sponsored by ACES, regarding the Town's mosquito control program. Four speakers were invited to speak and I was asked to give a history of the Town's program. Approximately forty people were in attendance.

In my presentation I outlined the Town's program from 1971 to the present. The key points presented were the confirmation of Eastern Encephalitis in the bird population in 1973, the ground based larviciding program from 1973 to 1988, the transfer of the program from the Board of Health to Municipal Properties in 1982, the withdrawal from the Central Mass. Mosquito Project in 1982 and the use of Malathion for the Town's adulticide program.

David Scott, the Director of the Central Mass. Mosquito Control Project, presented information regarding their methods of mosquito control. Their focus is source reduction, larviciding (less emphasis on adulticiding), surveillance and monitoring. The cost of this type of program would be \$25,000 to the Town.

Laurie Martinelli, an environmental lawyer, formerly with the Massachusetts Audubon Pollution Control, presented her perspective on the four methods of Mosquito control. These included source reduction (elimination of breeding areas), larviciding, adulticiding and personal protection. Ms. Martinelli expressed concerns regarding the use of Malathion. She also indicated that she felt that Acton was a community where an encephalitis outbreak would be unlikely to occur because of its location and its types of bird and mosquito populations.

Sue Funk, a member of ACES, presented an overview of the concerns that ACES has with the current program. Her primary focus was the lack of a comprehensive program and the choice of Malathion as the control pesticide. Ms. Funk proposed that the program shift its priorities to larviciding and use BTI as its control substance.

After the presentations a period for questions followed. Most questions revolved around the use of Malathion. People questioned its effectiveness and its potential harm to humans. Many were in favor of expanding the program as suggested by Ms. Funk. The majority felt that a notification process should be in effect so that people would know when their neighborhood is being sprayed. Some wanted to change the program for the current year and most wanted it on a warrant article for next year.

DICK H. } PLS. NOTE ATTACHED RE. CH. 90.
DEAN C. } NOTE METRIC WARNING!
DAVID A. }

cc: Dick Howe
BOS



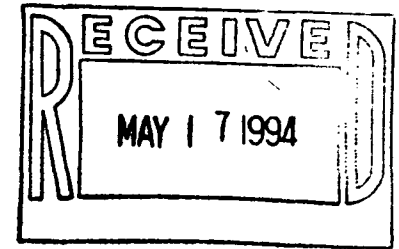
William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

James J. Kerasiotes
Secretary

Laurinda T. Bedingfield
Commissioner

May 17, 1994



Re: New Prequalification Procedure for Chapter 90 Work

Dear City or Town Engineer:

Subject to the requirements of Chapter 29, Section 8B of the General Laws, each prospective Bidder proposing to bid on any work, excepting the construction, reconstruction, repair or alteration of buildings, to be awarded by a municipality under the provisions of Section 34 of Chapter 90, must be Prequalified in accordance with 720 CMR 5.00, "Prequalification of Contractors", (available upon request from MHD). The Prequalification statute and MHD regulations have recently been the subject of a major revision.

The following new procedures for municipalities become effective for all work advertised after June 30, 1994:

Procedure For Distribution of Proposal Forms

1. Under the new regulations, contractors need not obtain an Approval Form from the Department prior to receiving an Official Proposal Form.
2. For Chapter 90 projects, bidders may obtain plans and specifications from the municipality at the place specified in the Notice to Contractors.
3. Informational copies of plans and specifications will be available to any individual or firm.
4. Officially numbered non-transferable Proposal Forms shall also be made available to any individual or firm making a request.
5. Note: Only a bidder who is Prequalified at the time of bid opening shall be eligible for award of contract. All Proposals submitted by non-Prequalified bidders are subject to rejection by the municipality after bid opening.

New Procedure For Award


No municipality may award a contract until the Department has determined that the low bidder is Prequalified. After the bids are publicly opened and read, the municipality shall:

1. Call the Prequalification and Contract Management Department at (617) 973-7621.
2. Ascertain whether the low bidder is Prequalified in the specified category.
3. Ascertain whether the bid is within the contractor's Single Project Limit and Aggregate Bonding Capacity.
4. The Prequalification and Contract Management Department will then fax and/or mail the municipality a written authorization.
5. **Note: No municipality may award a contract without prior authorization from the MHD Prequalification and Contract Management Department.**

It is hoped that these new procedures will streamline your bidding process. Bidders will no longer need to visit 10 Park Plaza in Boston to obtain an Approval Form. Municipalities may accept bids from any individual or firm. After bid opening, a municipality need only call the above number to determine if the low bidder meets the requirements of 720 CMR 5.00. If the low bidder meets all Prequalification requirements, the municipality may award him the contract. If the low bidder does not meet the requirements, his bid shall be rejected. The municipality may then seek approval of subsequent bidders until the lowest Prequalified bidder is determined.

If you have any questions concerning these new procedures, please contact Peter Laughlin, Prequalification and Contract Manager at (617) 973-7621.

Sincerely,


Ross B. Dindio, P.E.
Chief Engineer

NOTICE!

Notice is hereby given to prospective bidders and others that Federal law requires use of the metric system as the basis of all contracts on or before September 30, 1996.

Department contracts will employ metric units for all measurements and as the basis of all payments.

Please be prepared for this change!

This Notice Is For Information Only

cc: BOS

Town of Acton

Planning Department

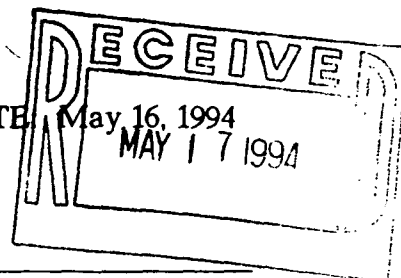
472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Board of Appeals
FROM: Roland Bartl, AICP, Town Planner *R.B.*
SUBJECT: Shell Oil, Variance Request #94-5

DATE



The applicant has met with me this morning to show me a revised plan. The proposed front yards have been increased from 3 feet to 11 feet on the Great Road side and from 3 feet to 6 feet on the Main Street side. It appears, that this is as far as the canopies can be moved back without relocating the existing building.

To clarify my previous comment: My objection to the requested variance relates to aesthetic and general land use policies for the Great Road corridor as transparent in the Master Plan. I do not see a traffic safety problem. The master plan objectives translated into large zoning setbacks and intensive landscaping requirements to minimize the commercial appearance of the Great Road corridor. After all, the corridor is a mixed use area with a heavy residential component of about 1600 dwelling units along its stretch in Acton.

The revised plan is a step in right direction. Whether it deserves a variance under the hardship and Master Plan consistency criteria is a decision only the Board of Appeals can make.

If the Board chooses to grant a variance, I recommend the following conditions:

- that the variance shall be for the canopies only;
- that the variance shall expire with any changes to the location or shape of the foot print of the existing main building;
- that the variance shall expire if the motor vehicle repair use on the site is terminated or interrupted for a duration of more than 2 years.

These conditions would allow the Town to reevaluate the canopy locations upon site redevelopment and upon the loss of the repair service use which the applicant wishes to preserve.

xc: Don P. Johnson ✓

ridc.94*34

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

South Acton Village Planning Committee (SAVPC)

Minutes for Meeting of:

April 26, 1993

Members in attendance: Betsy Eldridge, William (Trey) Shupert, Bob Pion, Janice Faye Molnar, Sandra Whaley.

Also present: Roland Bartl (Town Planner).

Minutes of April 12, 1993 were accepted following some correction and clarification.

Discussion of Draft Plan:

The committee discussed what items to include in the plan's Part II, Section 3 - Citizen Actions:

Continue clean up days; see if Acton Garden Club can make an effort in South Acton; revive South Acton local organizations, South Acton Revitalization Committee, South Acton Improvement Association, Ironwork Farm; set up a South Acton business organization; keep South Acton in the news - input to local papers; keep up publicity on South Acton; set up historic discovery tours (with discovery museum and Ironwork Farm); maintain regular contacts with Town Government officials.

Focusing - what do we want to achieve:

Improvements of historic building and of overall village character and appearance. Get grants for historic building upkeep and renovation.

Improve vehicular and pedestrian safety.

Improvements will not occur without economic revitalization. Revitalization will not occur without infrastructure improvements - sewers, streets and sidewalks, bridge.

New key businesses would be a convenience/variety store, a coffee shop. Also a book store to augment the various art activities in the Exchange Hall.

Committee members might look at the survey results and the public meeting record to verify or readjust their focus and priorities as appropriate.

Zoning:

It was agreed that the committee's zoning proposals for South Acton should include a measure to allow three designated parcels in the Mill Corner development to be acquired by the Town for parking and sewer disposal purposes without leaving the Mill Corner project in violation of zoning. Roland will write a draft.

Next meeting will be on May 10, 1994.

Minutes approved: May 10, 1994.

cc: Town Clerk, Planning Board, Board of Selectmen ✓

rsavpc*1

RECEIVED & FILED

DATE May 13, 1994

Barbara Brown
for TOWN CLERK, ACTON

WEST ACTON VILLAGE PLANNING COMMITTEE

Minutes

November 30, 1993

Committee members in attendance were: Chairman William Shupert; Rosalie DeQuattro; Marvin Norman and Denise Glaser. Assistant Planner Donna Jacobs also attended. Committee member Anne Jackson, Dennis Ahern and Associate Members Susan Boston and Ron Issacs were absent.

- I. Committee members discussed the meeting schedule for the next few months. It was agreed that the committee would not meet during the months of December and January. The Committee will meet on 2/1/94, 2/15/94, 3/1/94, 3/15/94 and 3/29/94. The Committee discussed its plans for outreach and agreed to hold neighborhood coffees in March.
- II. Denise Glaser moved that the Committee vote to approve the minutes of the 11/2/93 meeting. Her motion was seconded by Rosalie DeQuattro and passed by unanimous vote.
- III. Members discussed the Action Recommendations. It was agreed to include the following additional recommendations:
 1. Limitation or elimination of 24 hour business operation
 2. Exterior Lighting
 3. Enforcement of pedestrian crosswalk rights
 4. Create a non-profit group to share responsibility for funding of W. Acton Citizen's Library
 5. Citizen's task force to review current and future uses of Gardner Field, including safety, equipment, aesthetics, and parking
 7. Study safety improvements such as a flashing signal at intersection of Willow and Summer St.
 8. Sidewalk/bicycle path on Willow Street to handle school children and other pedestrians accessing the village.

The meeting adjourned at 9:00 PM.

wav*118

Nancy - F.Y.I.
Ben

THE NATION

'Not in my back yard' climbs the ladder

By Desda Moss
USA TODAY

There aren't many places where owners of \$300,000 homes are the neighborhood's poor relations.

But Potomac, Md., where million-dollar tract mansions dot the once-pastoral landscape, is one of them. A vocal cadre of residents wants to thwart county plans to add "affordable" housing.

In this high-stakes dispute in a Washington, D.C., suburb, wealthy homeowners are arrayed against potential neighbors who'd be merely upper middle class. It's a "not-in-my-back-yard" fight with a twist.

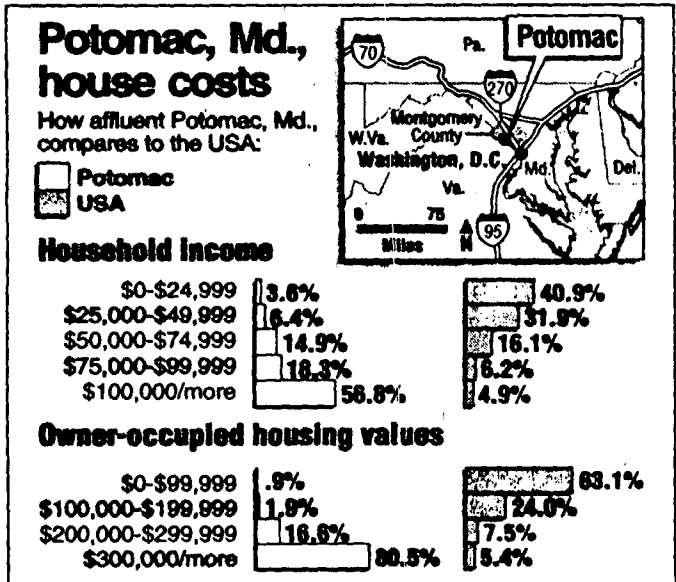
"It's a fascist trend," says Potomac resident Leon Trager. "Here you have property owners being attacked by the very government that is supposed to be protecting them. You can't do a just deed by doing an injustice to someone else."

"Potomac citizens never complained about affordable housing being developed in other parts of the county," says advisory committee member Stuart Rochester. "Suddenly, when they're faced with it, they get self-righteous and sanctimonious about incompatibility and the effect on their property values and quality of life."

Potomac — home to boxer Sugar Ray Leonard; actress Lynda Carter and her husband, lawyer Robert Altman; Sen. John Glenn and ABC's *Nightline* anchor Ted Koppel — is far wealthier than surrounding towns.

The median single-family home in Montgomery County costs \$217,000, evidence that the county is one of the nation's wealthiest. But the median home price in Potomac is \$420,900.

County officials, arguing that a socioeconomic mix is good business, good politics and the right thing to do, adopted a middle-income housing plan two years ago to disperse homes



Source: U.S. Census Bureau
By Stephen Conley, USA TODAY

for four-person households earning \$61,300 or less throughout the county.

Residents in Potomac warned county officials last fall they'd be tangling with "a 900-pound gorilla" if their community was chosen.

Nevertheless, county housing and community development director Victor Brescia on March 29 picked Potomac and three other sites for new projects.

More than 50 single-family homes would be built on a wooded 16-acre lot the county already owns in Potomac. Families meeting income criteria could pay as little as \$150,000.

Former county planning board chairman Gus Bauman says there's no reason to apologize for pushing economic diversity.

"The whole purpose of the program is to say

we're going to have housing for middle-income families in all sections of the county," says Bauman, who's running for county executive.

Lawyer Roger Titus, who represents a civic group formed to fight the project, says homeowners' objections "have nothing to do with personal economics."

"This is not about snobbishness," he says. "It is simply our position that this site does not follow sound planning principles."

They argue that the high-density development will cause traffic congestion, wreck the character of the neighborhood and lower property values — which in turn, will lower tax revenue for the county.

"I would object just as strongly if they wanted to build \$1 million townhouses there," says



By H. Darri Beiser, USA TODAY
'FASCIST TREND': Leon Trager says, 'Here you have property owners being attacked by the very government that is supposed to be protecting them.'

lawyer Edgar Czarra Jr., who, like his neighbors, lives on a 2-acre estate.

"It's a matter of density."

The firestorm comes as the nine-member County Council prepares for fall elections. A final vote on the four sites — including the one in Potomac — is likely in August or September. Residents get another chance to air their views at a public hearing this summer. No date has been set.

Meanwhile, County Council President William Hanna Jr., who sponsored the 1992 legislation that created the moderate-price-housing program, says the plan is misunderstood.

"This is not subsidized housing. We're talking about homes people like police officers, firefighters and librarians can afford."

Court bars mandatory trash centers

Haulers freed from municipal rules

ASSOCIATED PRESS

WASHINGTON - Local governments cannot require trash-collecting firms to take garbage to designated transfer centers for sorting and baling before it is disposed of, the Supreme Court ruled yesterday.

The court said such "flow control" laws, enforced by many communities in more than half the states, unlawfully interfere with interstate commerce.

The 6-3 decision struck down an ordinance in Clarkstown, N.Y., a Rockland County community about 30 miles north of New York.

"The flow-control ordinance discriminates, for it allows only the favored operator to process waste that is within the limits of the town," Justice Anthony M. Kennedy wrote for the court.

The ruling will benefit trucking companies and railroads, for which the interstate transportation of garbage is a growing business.

People and businesses that generate trash could also benefit, because prices charged by government-designated treatment centers usually are higher than others.

Watching the case with interest were members of the financial markets involved in financing municipal waste-treatment facilities through revenue bonds. The ruling could hurt such tax-exempt financing.

In other matters, the court:

- Said it will decide whether New York or New Jersey gets to claim Ellis Island, once the nation's major immigration gateway, as a home-

state attraction.

- Refused to block Chicago, and by extension all other cities, from requiring newsstand owners to obtain permits or remove their businesses from public property.

In the garbage-treatment decision, Kennedy wrote that Clarkstown's concerns for financing the designated facility will have to be met by other means, such as through general taxes or municipal bonds.

Justices John Paul Stevens, Antonin Scalia, Clarence Thomas and Ruth Bader Ginsburg joined Kennedy's opinion. Justice Sandra Day O'Connor filed a concurring opinion in the case, *C & A Carbone vs. Clarkstown*, 92-1402.

Chief Justice William H. Rehnquist and Justices Harry A. Blackmun and David H. Souter dissented.

The 1989 Clarkstown ordinance says trash generated in Clarkstown must be delivered to the Clarkstown Recycling Center, operated for the town by a private contractor.

The town must pay the contractor penalty fees if at least 120,000 tons of trash are not delivered to the town transfer station each year.

The facility charges \$81 a ton to handle trash. *C & A Carbone*, the waste company that challenged the town ordinance, charged \$70 a ton.

Carbone used to receive trash from customers in New York and New Jersey, recycle most of it and ship the rest to out-of-state landfills or garbage-burning power plants.

Clarkstown sued Carbone to stop it from processing trash elsewhere. Carbone then sued the town.



JOHN - PLS. CHECK THIS LEGISLATION. THIS MAY BE THE INFO. THAT BILL M. REFERENCED 5/17. *CC: BOS*

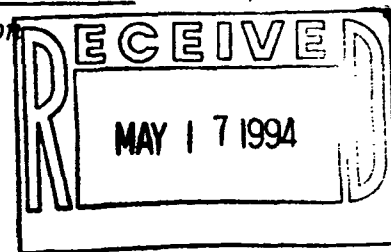
Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185 *5/18*

Serving 101 cities and towns in metropolitan Boston

April 12, 1994

TO: Chief Elected Officials
FR: David C. Soule, Executive Director
RE: Sewer Rate Relief Legislation *JCS*



S-954 "An Act Relative to the Sewer Rate Relief Fund"

H-4811 "An Act Relative to Assisting the Water and Sewer Ratepayers of the Commonwealth"

As you are probably aware, the planning area of the Metropolitan Area Planning Council (MAPC) includes the entire MWRA Wastewater District as well as the South Essex Sewerage District and 24 other public wastewater districts in eastern Massachusetts. Many of your communities are struggling to improve their wastewater and water supply infrastructure and to meet the mandates of the Clean Water Act and the Safe Drinking Water Act. A lack of state and federal financial assistance is leading to rapidly escalating water and sewer rates in many of your regions.

Further, the Boston Harbor Cleanup Project being implemented through the Massachusetts Water Resources Authority has increased sewer rates for the 43 cities and towns within the MWRA sewer district by 400 percent to over \$600 per year for an average family. With major capital investment to complete the project over the next few years, rates are projected to roughly double again, to over \$1300 per year, if no additional state and federal assistance is forthcoming.

In previous years, the council has supported legislation sponsored by Senator Robert Havern (D-Arlington) entitled "*An Act Relative to the Commonwealth Sewer Rate Relief Fund.*" As currently drafted, this legislation would appropriate \$50 million to the Commonwealth Sewer Rate Relief Fund for fiscal year 1995 (July 1, 1994, through June 30, 1995). Unfortunately, this legislation is not moving quickly, as it is still currently in the Committee on Natural Resources. An extension has been filed for the committee report. If interested, please contact Senator Robert Durand and Representative Steven Angelo in the Committee on Natural Resources to encourage swift passage of this legislation.

The "favorite" among sewer rate relief legislation is entitled "*An Act Relative to Assisting Water and Sewer Ratepayers of the Commonwealth.*" Sponsored by Speaker Charles Flaherty (D-Cambridge), and co-sponsored by Steven Angelo (D-Saugus), co-chair of the Committee on Natural Resources, this legislation is very likely to move. This legislation originally allocated \$60 million to the Sewer Rate Relief Fund, but included some language which was not fully supported by MAPC. The newest draft (H-4811) has omitted the language of concern to the council, and simply allocates \$45 million to sewer rate relief. This draft is currently in the House Committee on Ways and Means, and should be addressed shortly after the budget has passed. If interested, please contact Thomas M. Finneran, Chair of the Committee on House Ways and Means in support of this legislation.

Involvement on the part of communities can help to alleviate these very difficult concerns. If anyone is interested in obtaining a copy of either piece of legislation and/or bill summaries, please do not hesitate to contact Lori Wells, MAPC Legislative Coordinator at extension 29.

cc: MAPC Representatives

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

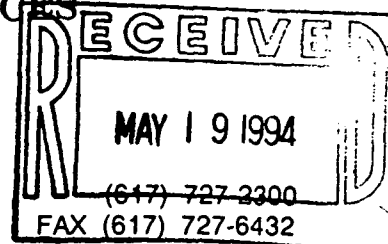
David C. Soule, *Executive Director*



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

P.O. Box 9655
Boston 02114-9655

cc: BOS



MITCHELL ADAMS
Commissioner

LESLIE A. KIRWAN
Deputy Commissioner

May 17, 1994

*These numbers are
only estimates, and
Not final budget*
[Signature]

TO LOCAL GOVERNMENT OFFICIALS:

Following agreement on the elements of FY95 local aid resolutions introduced by the Governor and modified by each branch of the Legislature, and pursuant to the provisions of Chapter 58 of the Massachusetts General Laws, the Department of Revenue is notifying you of the estimated amounts to be received by your municipality during the fiscal year ending June 30, 1995, as detailed on the enclosed green Form C.S. 1-ER. With the exception of allocations of Chapter 70, lottery aid, municipal stabilization aid and additional assistance, all program allocations are based upon the Governor's proposed FY95 budget presented in House 1.

You will be informed of any changes in the final FY95 appropriations and/or allocations in a notice of Cherry Sheet amendments, which will be sent by the Department of Revenue to each municipality and regional school district after final enactment of the FY95 state budget.

On January 31, 1994, the Department of Education (DOE) notified school superintendents, school committees, mayors and boards of selectmen of preliminary estimates of FY95 net school spending requirements prescribed by the Education Reform Act, Chapter 71 of the Acts of 1993 as amended. Your Cherry Sheet may reflect a level of Chapter 70 Aid different from that included in DOE's January 31 notification. This change will result in a revision of net school spending requirements. DOE will issue revised net school spending requirements shortly.

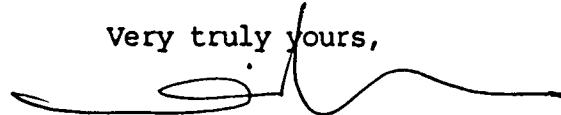
The total of FY95 estimated receipts for cities and towns is \$2.542 billion, an increase of \$193 million or 8.2% from the FY94 Cherry Sheet totals of \$2.349 billion. The increase is primarily attributable to an increase of \$139 million in Chapter 70, \$20 million in lottery aid and \$20 million in municipal stabilization aid. The impact of these and other program changes on your municipality is shown in the enclosed program by program comparison of the FY94 and FY95 Cherry Sheet estimates.

It should be noted that the increase in lottery receipts will not be subject to the provisions of the Education Reform Act; that is, it will not be factored into calculations of municipal revenue growth factors and the component of Chapter 70 known as overburden aid.

You also are notified of the estimated FY95 assessments and charges to your municipality, which are detailed on the attached pink Form C.S. 1-EC. The total of estimated charges as listed in that form's Column 1 is \$196.2 million, an increase of \$4.2 million or 2.2% over the FY94 total of \$191.9 million.

Division of Local Services staff are available to answer your questions or provide additional information. You may call or write the Municipal Data Management and Technical Assistance Bureau of the Division of Local Services, P.O. Box 9655, Boston, Massachusetts 02114-9655, (617) 727-2300, Ext. 450.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mitchell Adams', with a long horizontal flourish extending to the right.

Mitchell Adams
Commissioner

MA:RNA:rr
Enc.



NOTICE TO ASSESSORS OF ESTIMATED RECEIPTS
TO BE USED IN DETERMINING THE TAX LEVY

General Laws, Chap. 58, Sect. 25A, and Chap. 59, Sect. 23

ACTON
Municipality

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70.	\$ 826,586
2. School Transportation Programs Chs. 71, 71A, 71B and 74.	139,270
3. School Construction 1948, Ch. 645; 1976, Ch. 511	52,927
4. Retired Teachers' Pensions Ch. 32, s. 20 (2) (c).	

Offset Items - Reserve for Direct Expenditure:

5. Racial Equality Chs. 76, s. 12A, 71, ss. 37 I,J.	\$ 7,950
6. School Lunch Ch. 871	

Sub-Total, All Education Items. \$ 1,026,733

B. GENERAL GOVERNMENT:

Distributions and Reimbursements:

1. Lottery, Beano & Charity Games Ch. 29, s. 2D.	\$ 644,162
2. Additional Assistance.	37,368
3. Highway Fund Ch. 81, s. 31; 1980, Ch. 577, s. 8.	136,181
4. Local Share of Racing Taxes 1981, Ch. 558.	
5. Regional Public Libraries Ch. 78, s. 19C.	
6. Police Career Incentive Ch. 41, s. 108L.	
7. Urban Renewal Projects Ch. 121.	
8. Veterans' Benefits Ch. 115, s. 6.	
9. Exemptions: Vets, Blind & Surv. Spouse Ch. 59.	9,329
10. Exemptions: Elderly Ch. 59, s. 5, Cl. 41, 41B or 41C.	13,060
11. State Owned Land Ch. 58, ss. 13-17B	37,878
12. Municipal Stabilization Aid.	\$ 81,496

Offset Item - Reserve for Direct Expenditure:

13. Public Libraries Ch. 78, s. 19A.	\$ 22,999
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Sub-Total, All General Government. \$ 982,473

C. TOTAL ESTIMATED RECEIPTS FISCAL 1995. \$ 2,009,206



**NOTICE TO ASSESSORS OF ESTIMATED CHARGES
TO BE USED IN DETERMINING THE TAX LEVY**

GENERAL LAWS, CHAPTER 59, SECTION 21. ACTON
Municipality

The following State and County Assessments, as estimated, and the underestimates from the prior year, <u>must</u> be used by the Assessors in determining the "Total Amount to be Raised by Taxation." Overestimates from the prior year <u>must</u> be listed by the Assessors as "Estimated Receipts - State."			
	Column 1 Estimates to be raised	Column 2 PRIOR YEAR Underestimates to be raised	Column 3 PRIOR YEAR Overestimates to be Used as Estimated Receipts - State
A. County Assessment, County Tax Ch. 35, s. 31. . . .	\$ 41,120	\$	\$
B. STATE ASSESSMENTS AND CHARGES:			
1. Supervision of Retirement Systems Ch. 32, s. 21.	\$	\$	\$
2. Motor Vehicle Excises 1962, Ch. 727.			
3. Retired Employees Health Insurance Ch. 32A.			
4. Retired Teachers Health Insurance Ch. 32A.			
5. Mosquito Control Projects Ch. 252.			
6. Air Pollution Districts Ch. 676.	4,416		
7. Metropolitan Area Planning Council Ch. 40B, 476	3,979		
8. Old Colony Planning Council Ch. 332			
9. RMV Non-Renewal Surcharge, Ch. 90; Ch. 60A		800	
Sub-Total, State Assessments	\$ 8,395	\$ 800	\$
C. TRANSPORTATION AUTHORITIES:			
1. MBTA Chs. 161A, 825	\$	\$	\$
2. Boston Met. Trans. Dist. 1929, Ch. 383; 1954, Ch. 535			
3. Reg'l Trans. Auth's Ch. 161B, ss. 9-10; 1973, Ch. 1141	16,618		
Sub-Total, Transportation Assessments	\$ 16,618	\$	\$
D. ANNUAL CHARGES AGAINST RECEIPTS:			
1. Multi-Year Repayment Programs	\$	\$	\$
2. Spec. Educ. Ch. 71B, ss. 10, 12			2,559
3. Energy Conservation 1983, Ch. 700			
4. STRAP Repayments Ch. 637			
Sub-Total, Charges against Receipts	\$	\$	\$ 2,559
E. TOTAL ESTIMATED CHARGES, FISCAL 1995	\$ 66,133	\$ 800	\$ 2,559

F. NET CHARGES, FISCAL 1995. (Column 1 + Column 2 - Column 3)

\$ 64,374

Commonwealth of Massachusetts Department of Revenue
 NOTICE TO REGIONAL SCHOOL DISTRICTS
 OF ESTIMATED RECEIPTS

FY95



General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School District MINUTEMAN

Member Cities and Towns ACTON, ARLINGTON, BELMONT, BOLTON, BOXBOROUGH,
CARLISLE, CONCORD, DOVER, LANCASTER, LEXINGTON, LINCOLN, NEEDHAM, STOW,
SUDBURY, WAYLAND, WESTON

A. EDUCATION:**Distributions and Reimbursements:**

1. Chapter 70	\$	2,104,403
2. School Transportation Programs Chs. 71, 71A, 71B and 74.		
3. School Construction 1948, Ch. 645; 1976, Ch. 511.		
4. Regional School Transportation Ch. 71, s. 16C.		447,971

Offset Items - Reserve for Direct Expenditure:

5. Racial Equality Ch. 76, s. 12A.	\$	
6. School Lunch Ch. 871		1,376

Total Estimated Receipts Fiscal 1995.	\$	2,553,750
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Estimated Charges:

7A. Energy Conservation Programs Repayment 1987, Ch. 584.	\$	
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B. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1995.	\$	2,553,750
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**Commonwealth of Massachusetts Department of Revenue
NOTICE TO REGIONAL SCHOOL DISTRICTS
OF ESTIMATED RECEIPTS**

FY95



General Laws, Chap. 58, Sect. 25A and Chap. 59, Sect. 23

Name of School District ACTON BOXBOROUGHMember Cities and Towns ACTON, BOXBOROUGH**A. EDUCATION:****Distributions and Reimbursements:**

1. Chapter 70	\$	1,854,317
2. School Transportation Programs Chs. 71, 71A, 71B and 74.		62,478
3. School Construction 1948, Ch. 645; 1976, Ch. 511.		293,598
4. Regional School Transportation Ch. 71, s. 16C.		330,767

Offset Items - Reserve for Direct Expenditure:

5. Racial Equality Ch. 76, s. 12A	\$	
6. School Lunch Ch. 871		5,748

Total Estimated Receipts Fiscal 1995.	\$	2,546,908
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Estimated Charges:

7A. Energy Conservation Programs Repayment 1987, Ch. 584.	\$	
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B. TOTAL ESTIMATED RECEIPTS, NET OF ESTIMATED CHARGES, FISCAL 1995.	\$	2,546,908
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FISCAL 1995 CHERRY SHEET AID ANALYSIS

ACTON

ESTIMATED RECEIPTS

LINE NUM	PROGRAM DESCRIPTION	FY94 CHERRY SHEET	FY95 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70	749,485	826,586	77,101
A 2	School Transportation Prgms			
	School Transportation	159,783	139,270	-20,513
	Reg School Transportation			
A 3	School Construction	52,927	52,927	
A 4	Retired Teachers' Pensions			
A 5	Racial Equality			
	Racial Imbalance			
	Magnet Education			
	Equal Educ Improvement			
A 6	School Lunch	7,634	7,950	316
B 1	Lottery	604,239	644,162	39,923
B 2	Additional Assistance	37,368	37,368	
B 3	Highway Fund	136,181	136,181	
B	Local Share of Racing Taxes			
	Regional Public Libraries			
B 6	Police Career Incentive			
B 7	Urban Renewal Projects			
	Fed Aid Urban Renewal			
	Non Fed Urban Renewal			
	Urban Revitalization			
B 8	Veterans' Benefits	843		-843
B 9	Exemptions:			
	Veterans	7,187	7,579	392
	Blind Persons	438	525	87
	Surviving Spouses	1,225	1,225	
B 10	Elderly Exemptions	13,000	13,060	60
B 11	State Owned Land	38,149	37,878	-271
B 12	Municipal Stabilization Aid	39,923	81,496	41,573
B 13	Public Libraries*	14,141	22,999	8,858
C	TOTAL ESTIMATED RECEIPTS	1,862,523	2,009,206	146,683

*Note, the FY94 Public Library estimate does not include the municipality's share, if any, of the \$1.2 million supplemental appropriation authorized by Chapter 151 of the Acts of 1993, to cover the costs of non-resident borrowing. The FY95 Public Library estimate does include a component to reimburse library systems for non-resident borrowing costs.

ACTON

ESTIMATED ASSESSMENTS

LINE NUM	PROGRAM DESCRIPTION	FY94 CHERRY SHEET	FY95 CHERRY SHEET	DIFFERENCE
A 1	County Tax	40,117	41,120	1,003
B 1	Superv. Retirement Syst			
B 2	Motor Vehicles Excise			
B 3	Retirees Health Insurance			
B 4	Retired Teachers Hlth Ins			
B 5	Mosquito Control			
B 6	Air Pollution Control	4,280	4,416	136
B 7	Metro Area Planning Cncl	3,799	3,979	180
B 8	Old Colony Planning Cncl			
B 9	RMV Non-Renewal Surcharge			
C 1	MBTA			
C 2	Boston Metro Dist Exp			
C 3	RTA	16,213	16,618	405
D 1	Multi Year Repayments			
D 2	Special Education	2,559		-2,559
D 3	Energy Conservation			
D 4	STRAP Repayments			
E	TOTAL ESTIMATED CHARGES	66,968	66,133	-835

NET CHERRY SHEET AID

	FY94 CHERRY SHEET	FY95 CHERRY SHEET	DIFFERENCE
Total Estimated Receipts	1,862,523	2,009,206	146,683
Total Estimated Charges	66,968	66,133	-835
NET RECEIPTS	1,795,555	1,943,073	147,518

FISCAL 1995 CHERRY SHEET AID ANALYSIS

ACTON BOXBOROUGH

ESTIMATED RECEIPTS

LINE NUM	PROGRAM DESCRIPTION	FY94 CHERRY SHEET	FY95 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70	1,812,892	1,854,317	41,425
A 2	School Transportation	70,377	62,478	-7,899
A 3	School Construction	293,598	293,598	
A 4	Regional School Trans	377,734	330,767	-46,967
A 5	Racial Equality			
A 6	School Lunch	6,064	5,748	-316
	TOTAL ESTIMATED RECEIPTS	2,560,665	2,546,908	-13,757

ESTIMATED CHARGES

A 7A Energy Conservation

B	TOTAL RECEIPTS NET OF ESTIMATED CHARGES	2,560,665	2,546,908	-13,757
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FISCAL 1995 CHERRY SHEET AID ANALYSIS

MINUTEMAN

ESTIMATED RECEIPTS

LINE NUM	PROGRAM DESCRIPTION	FY94 CHERRY SHEET	FY95 CHERRY SHEET	DIFFERENCE
A 1	Chapter 70	2,092,203	2,104,403	12,200
A 2	School Transportation			
A 3	School Construction			
A 4	Regional School Trans	509,780	447,971	-61,809
A 5	Racial Equality			
A 6	School Lunch	1,581	1,376	-205
	TOTAL ESTIMATED RECEIPTS	2,603,564	2,553,750	-49,814

ESTIMATED CHARGES

A 7A Energy Conservation

B	TOTAL RECEIPTS NET OF ESTIMATED CHARGES	2,603,564	2,553,750	-49,814
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The Commonwealth of Massachusetts Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (617) 388-3300
TTY: N.E.T. Relay 1-800-439-2370

DIRECTIONS TO PUBLIC FORUMS ON THE MASSACHUSETTS COMMISSION ON TIME AND LEARNING

Andover West Middle School
Shawsheen Road/Andover, MA/(508) 470-0642

See Attached Map

The Massachusetts Archives
Columbia Point, 200 Morrissey Blvd/Boston, MA/(617) 727-9150

From the North

Rte 3/I-93 to Exit 15 (Morrissey Blvd/JFK Library) Follow signs for UMass Boston/JFK Library.

From the South

Rte. 3 I-93 to Exit 14 (Morrissey Blvd./JFK Library). Follow signs for UMass Boston/JFK Library.

From the West

Rte. I-90 to Rte. I-93 South. Follow signs for UMass/JFK Library.

Free, Ample Parking

By "T"

Take the Red Line (Ashmont Branch only) to JFK/UMass Station. Board free shuttle bus in the parking lot to JFK Library (buses run every half hour from 9 to 5 and will stop at the Archives upon request), or, UMass Boston (buses run every five minutes, the Massachusetts Archives and Commonwealth Museum are a short walk from the campus.)

Taconic High School
Valentine Rd/Pittsfield, MA/(413) 448-9600

From Mass. Pike, Exit 2

Rte. 20 North/West to Pittsfield. When Rtes 7 and 20 split, go straight on Rte 7 two blocks North to rotary, 3/4 turn (equivalent to a left turn) to West St. Follow West St. to Valentine Rd. (there is a stop light at the intersection) turn right. Taconic High School is about a half mile up Valentine Road on the right.

From Route 2

Take Rte. 2 to Rte. 8 in North Adams. Rte. 8S to intersection with Rte. 9 in Pittsfield, turn right.

From Route 9

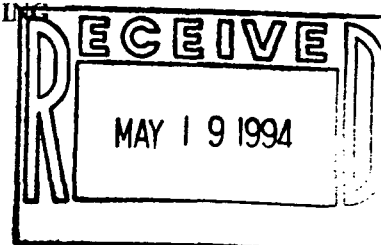
Follow intersection on Rte. 8 & 9 in Pittsfield. Go straight.

From Routes 8 & 9 in Pittsfield

Follow Rtes 8 & 9 (Dalton Ave, then Tyler St-no turns) to intersection of Rte. 7. Turn left. Follow Rte. 7 (North Street) to the main intersection with West Street (Hilton Hotel) in on the far right corner. Turn right. Follow West Street to Valentine Road (lights at residential intersection). Turn right, Taconic High School is about half a mile up Valentine Road on the right.

Parking

Use the second driveway. Parking is available in a lot in the front of the building or in an area in the rear.



Sheraton/Monarch
1 Monarch Place/Springfield, MA/(413) 781-1010

From the West (Albany, Pittsfield, etc.)

Take Mass. Pike (I-90) East to Exit 4 onto - I-91 South. From I-91 South Take Exit 7 (Springfield Center, Columbus Ave). Take first left onto Boland Way. The hotel entrance is on the right hand side after the first set of lights.

From the East (Boston, Cape Cod, etc.)

The Mass. Pike (I-90) West to Exit 6 to I-291 West, onto I-91 South to Exit 7 (Springfield Center, Columbus Ave). Take first left onto Boland Way. The hotel entrance is on the right hand side after the first set of lights.

Wareham High School
1 Viking Dr/Wareham, MA/(508) 291-3510

Take the Southeast Expressway to Rte. 128 Dedham/Randolph (NOT Cape Cod) the South Shore Plaza will be on your left. Approximately 4 miles on 128 bear Left onto Rte. 24 South and drive south on Rte 24 for approximately 25 miles. After passing a Burger King (on/off restaurant area) take the Exit marked Rte 495 East to Cape Cod. At approximately 20 to 25 miles take Exit 1 (I-95W). Take the first Exit, Wareham, and turn left off the ramp (Rte 28). After passing the police station on right, follow the hospital "H" signs. At the lights turn right onto Rte. 6. You will at that time see school signs, pass the town hall on the left and immediately after is Viking Drive. Turn left onto Viking Drive and follow past the Middle School (formerly the High School) to the end of the road to the new High School.

Alternative Direction

The Southeast Expressway to Rotary at Sagamore Bridge, take the first right in the rotary and follow along Cape Cod Canal. Rte 6 will bring you through Buzzards Bay (Mass Maritime Academy on left) by the Cranberry Plaza on Cranberry Highway, also Rte 6 through Wareham Center a left (Rte 6) up a hill to a traffic light. Go straight (Rte. 6 still) on the left the Town Hall and immediate left on Viking Drive. Follow until the end of the road to the new High School.

Doherty High School
299 Highland Street/Worcester, MA/(508) 799-3270

From Rte 290 Eastbound

Take Exit 17 (Belmont St/Rte 9 East & West). Make a left onto Belmont St. which becomes Highland St. Proceed approximately one mile to the intersection of Rte. 12 (Park Ave.). Doherty High is next building complex on the left following this intersection.

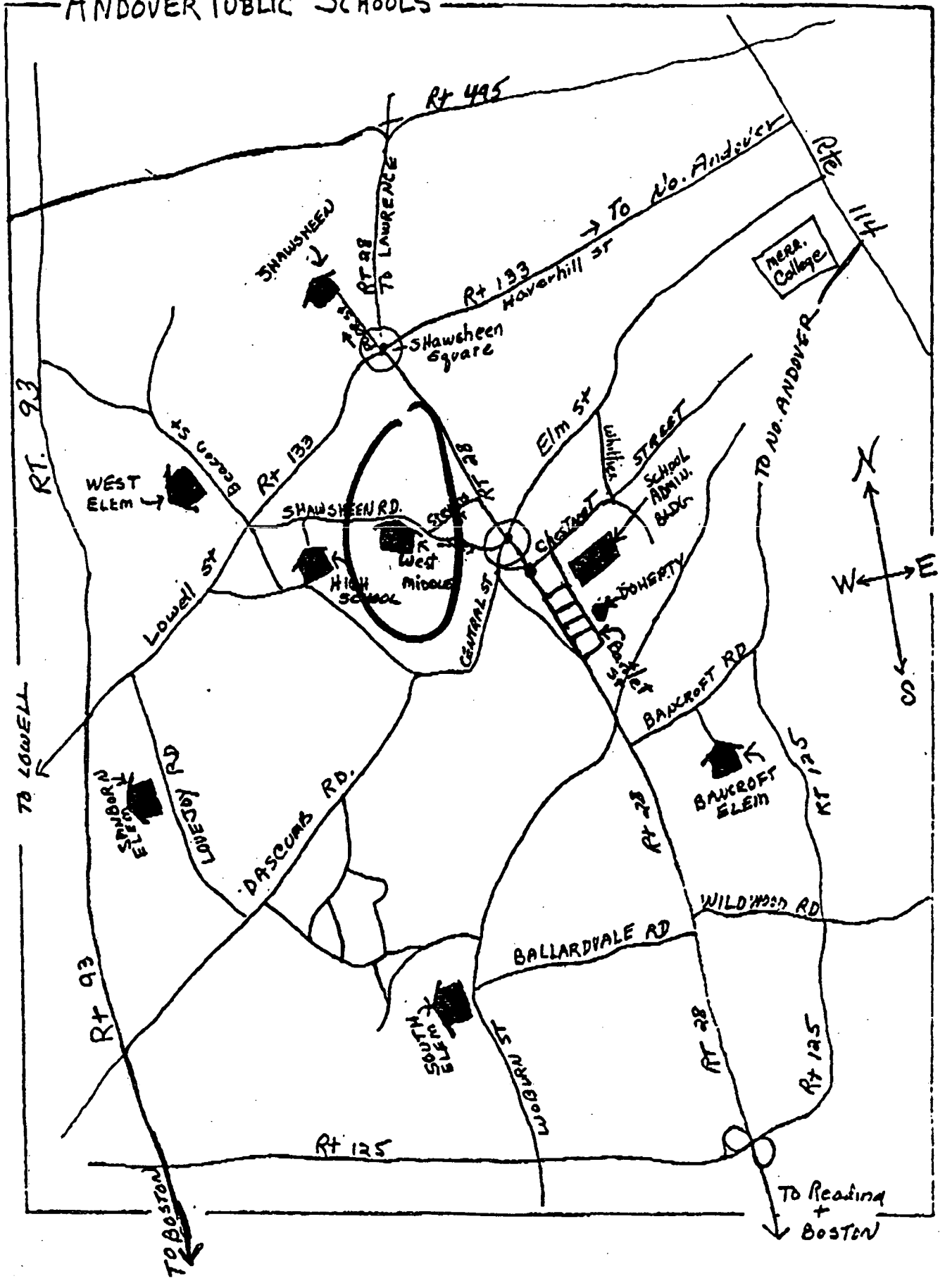
From Rte. 290 Westbound

Take Exit 18 (Lincoln Square/Rte 9 East & West). Make a right turn off ramp onto Lincoln Street. At the second traffic light turn right onto Highland Street. Proceed approximately 1 mile to the intersection of Rte. 12 (Park Ave). Doherty High is the next building complex on the left following this intersection.

From Local and Regional Areas

Follow Rte. 12 (Park Ave in Worcester) to the intersection with Highland Street. At this intersection, turn West into Highland Street. Doherty High is next building complex on the left following this intersection.

ANDOVER PUBLIC SCHOOLS



The Massachusetts Commission on Time and Learning

IT'S TIME FOR REFORM

A Vision for the Year 2000 in the areas of TIME and LEARNING

The Education Reform Act enacted into law in June of 1993 asks the State Board of Education to develop a plan "to extend the time during which students attend school to reflect prevailing norms in advanced industrial countries and to address the educational needs of children in the Commonwealth." The Massachusetts Commission on Time and Learning was appointed by the State Board of Education to research the issues and to make recommendations. The Commission envisions that, by the year 2000, schools will provide safe learning environments that are open and available throughout the day and year with schedules that are responsive to the lives and needs of students, families and communities. Key elements of our vision include:

Schedules and learning environments which are flexible and responsive to the constantly changing needs of students, families and communities.

Structure, time and access to resources which allow every student to achieve the broad, measurable results identified in the Common Core of Learning.

The school as a center for coordination and delivery of a variety of youth and community services.

Flexible and effective use of uninterrupted instructional time fostering breadth and depth of learning.

An educational environment for professionals with planned opportunities for professional growth and renewal.

PLEASE GIVE US YOUR COMMENTS

ATTEND ONE OF THESE PUBLIC FORUMS, OR SEND US YOUR WRITTEN COMMENTS.

Monday, June 6

The Massachusetts Archives
Columbia Point, 220 Morrissey Blvd.
Boston
617-727-9150
9:30-3 Invited Speakers
3-4 Public Discussion

Tuesday, June 7

Doherty High School
299 Highland Street
Worcester
508-799-3270
3-5 Invited Speakers
6-8 Public Discussion

Monday, June 13

Sheraton/Monarch
1 Monarch Place
Springfield
413-781-1010
3-5 Invited Speakers
6-8 Public Discussion

Tuesday, June 14

Taconic High School
Valentine Road
Pittsfield
413-448-9600
6-8 Public Discussion

Thursday, June 16

Andover West Middle School
Shawsheen Road
Andover
508-470-0642
6-8 Public Discussion

Thursday, June 16

Wareham High School
1 Viking Drive
Wareham
508-291-3510
6-8 Public Discussion

MASSACHUSETTS BOARD OF EDUCATION

Principles supporting the Vision on Time and Learning

1. Time is a resource. More time, in and of itself, will not promote better learning. Therefore, any recommendations on time will begin with reflections and recommendations on improving quality in the use of time.
2. Existing assumptions about time and schedules will not limit the educational environment of the future (e.g., assumptions about teaching in hour-long blocks, and assumptions about bus or transportation schedules as a limit on the school day).
3. The society we live in is transforming from an industrial society to a knowledge-based society; schools must be prepared for transformational change in keeping with societal change.
4. Teaching is a professional occupation. Teachers (a) view themselves as lifelong learners, (b) model the concept of lifelong learning for students and, (c) assume responsibility to remain current in their fields. The educational environment will allow for and be supportive of time for professional development.
5. Additional activities may or may not require additional financial resources. Some activities will be self-supporting and others may require reallocation of existing resources or refocusing of priorities. (For example, child care services may be provided with a sliding fee scale.)
6. The educational environment requires strong, involved partnerships with family members, businesses, neighborhoods, and the community-at-large.

existing requirements

EXISTING REQUIREMENTS

Under state regulations, the existing definition of "instructional time" includes "hours during which both pupils and teachers are present and engaged in regularly scheduled teaching-learning activities, but shall not include lunch periods."

Elementary schools are required to schedule a minimum of five (5) "instructional hours" each day, with a total per year of 900 hours.

Secondary schools are required to schedule a minimum of five and a half (5½) "instructional hours" each day, with a total per year of 990 hours.

All schools must be in session with students present at least 180 days each school year; these 180 days can include both full and early release days, as long as the full number of instructional hours is provided.

The Board of Education has full authority to set the length of the school day and the school year.

There is no existing regulatory requirement regarding when the school year must begin and end, nor when the school day must begin and end.

**The MASSACHUSETTS COMMISSION ON TIME AND LEARNING,
appointed by the Board of Education, is considering various
options to extend/improve learning time.**

options,
options,
options

INSTRUCTIONAL TIME/SCHOOL CALENDAR OPTIONS

The school day or the school year could be extended in length.

The school year could be restructured so that the existing 180 days are spread out over the full year and loss of learning during an extended summer vacation is minimized. The restructured vacation periods (or "intersessions") would offer schools the opportunity to provide additional optional services or classes for some or all of the students.

School Councils could become empowered to "approve" unique instructional schedules and learning opportunities which occur outside of the school building and outside of traditional school hours for individual students or school-wide instructional variations.

The Board of Education could define the "school day" as perhaps 8 hours in length, while retaining the existing requirements for "instructional" hours (5-5½ hrs./day). The longer school day could provide opportunities for extended learning and recreational activities.

PROFESSIONAL DEVELOPMENT OPTIONS

Time for teacher planning and professional development could be extended as a first step to improve the quality of existing instruction.

The Board of Education could specifically preclude the use of "early release" days and could, simultaneously, require that teachers receive a minimum number of full days for professional development.

Teachers' schedules could provide multiple options for amount of time spent "teaching;" scheduled time could accommodate focused/uninterrupted planning and professional development time. Such schedule options could include: part-time teaching, teaching schedules allowing some teachers to start earlier or leave later than others, and/or teaching schedules which are full-time, year-round schedules.

THE "SCHOOL AS A COMMUNITY CENTER" OPTIONS

Districts could arrange for school buildings to open early in the morning and remain open until late in the evening as a resource for the entire community to provide inter-generational opportunities for learning.

Districts could arrange for school buildings to be open for extended hours to ensure child care is available during regular parent working hours.

Send your written comments today to:

**The Massachusetts Commission on
Time and Learning**

**c/o
Massachusetts Department of
Education
350 Main Street
Malden, MA 02148-5023**

**For more information call:
617-388-3300 x461**

Massachusetts Board of Education

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Dr. Richard R. Rowe, Belmont
Dr. Stacy L. Scott, Lowell
Rev. Michael W. Walker, Brockton

Ex officio - voting

**Ms. Allyson Bowen, Chairperson,
Student Advisory Council**
**Dr. Piedad F. Robertson, Secretary,
Executive Office of Education**

Ex officio - nonvoting

**Dr. Robert V. Antonucci, Commissioner of
Education and Chief Executive Officer
of the Board**
**Dr. Stanley Z. Koplik, Chancellor,
Higher Education Coordinating Council**

Publication No: 17569-4-50000-5/94-DOE

**The Department of Education insures equal
employment/educational opportunities/affirmative
action regardless of race, color, creed, national
origin or sex, in compliance with Title IV and Title
IX, or handicap, in compliance with Section 504.**

The Massachusetts Commission on Time and Learning

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Piedad F. Robertson, Secretary of Education
Marjorie Dolan

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Representative Barbara Gardner
Senator Richard Tisei

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Stephen E. Gorrie, Winchester
Susan Szachowicz, Brockton

STUDENT

Jonathan Heafitz, Swampscott

DEPARTMENT OF EDUCATION

Robert V. Antonucci, Commissioner

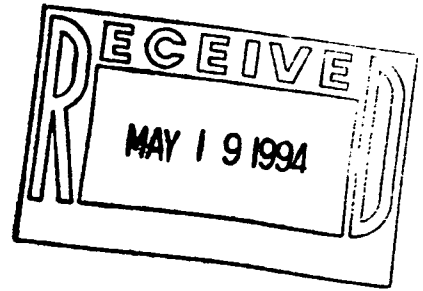
Marcia Mitnacht, Executive Director
Educational Improvement

Marcy Hall

Educational Services in Institutional Settings

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

CONFIDENTIAL

cc: BOS

May 16, 1994

Mr. Garry Rhodes
Building Commissioner
472 Main Street
Acton, MA 01720

Dear Garry:

(Mobil Oil Sign)

You have asked whether Mobil can file a revised application for a sign permit with the Board of Appeals in light of the provisions of G.L. c. 40A, § 16. Your question requires a two step answer. First, the statute refers to an application which has been "unfavorably and finally acted upon" by the SPGA. When the applicant appeals an unfavorable decision, I do think that the decision does not become "final" for purposes of § 16 until the court action is concluded. Thus, an application *now* would be within the two year period. On the other hand, an applicant may submit a *different* application within the two year period and the cases say the SPGA may properly find that an application which has been changed to address the grounds of disapproval is a different application for purposes of the statute. *Ranney v. Board of Appeals*, 11 Mass. App. Ct. 112, 115-116 (1981). The case is similar to the present one in that in *Ranney* the applicant chose to file a revised application while its appeal from the original decision was pending. The court in *Ranney* also recognized that the SPGA's views on whether there had been "specific and material changes" would be given deference and, it seems, would ordinarily be controlling.

When the dispute is between the applicant and the Town (rather than an abutter) and the applicant is willing to change its proposal, such a change may avoid unnecessary litigation, and therefore, be desirable. I think the same result could be accomplished by an agreed-upon remand to the Board to permit consideration of a revised application.

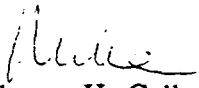
CONFIDENTIAL

May 16, 1994

Page 2

In short, the new application route is permissible and makes sense, as a way of resolving this case, but you should discuss it with the Board of Appeals to be sure they are willing to treat the revised plan as a "new" application.

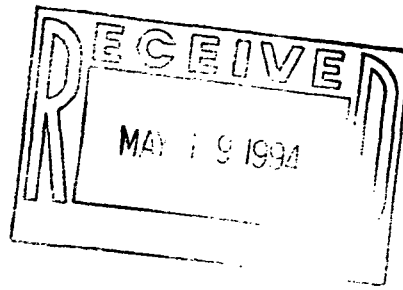
Very truly yours,


Acheson H. Callaghan

AHC/dcb

cc: Don Johnson
Joseph F. Hardcastle, Esq.

Board of Selectmen
Town Hall
Acton, MA 01720



May 17, 1994

Dear Sirs:

I normally leave Acton before 7:00 am for work and return after 8:00 pm. I left late this morning in order to vote, only to be told that there would be a delay in opening the polls of indefinite duration. I have effectively been disenfranchised, and therefore dispute the validity of a botched election held under such circumstances. I believe a new election should be held at the personal expense of whoever was responsible for this debacle.

Kathy

Please prepare a
report

[Signature]
5-17-94

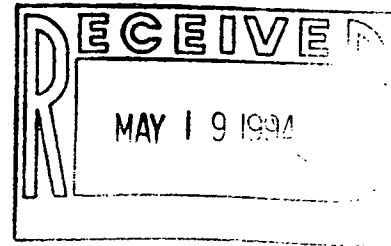
Yours truly,

David Gm Anderson
12 Balsam Drive
Acton, MA 01720-3211



SCOTT HARSHBARGER
ATTORNEY GENERAL
(617) 727-2200

cc: BOS
The Commonwealth of Massachusetts
Office of the Attorney General
One Ashburton Place,
Boston, MA 02108-1698



May 16, 1994

Catherine Belbin
Town Clerk
472 Main Street
Acton, MA 01720

Dear Ms. Belbin:

Pursuant to G.L. c. 43B, § 10, we have reviewed the proposed amendment to the Acton Home Rule Charter voted under article 55 of the warrant for the Acton Annual Town Meeting that convened April 4, 1994.

It is the opinion of this Office that the proposed amendment does not conflict with the Constitution and laws of the Commonwealth.

*Associate Member
of Planning Board*

Very truly yours,

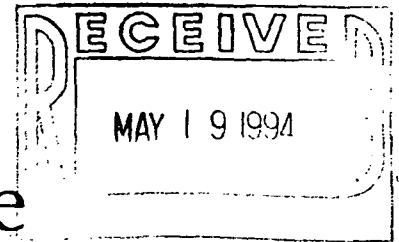
SCOTT HARSHBARGER
ATTORNEY GENERAL

Anthony E. Penski
Assistant Attorney General
(617) 727-2200, ext. 2082

AEP:ccs
cc: Dept. of Community Affairs
Board of Selectmen
Town Counsel



cc BOS
Cable Advisory



Massachusetts Cable Television Commission

CABLE BULLETIN

Number 94-1

May 16, 1994

Over the past several months, the Massachusetts Cable Television Commission (the "Commission") has been deeply involved in rate regulation resulting from the enactment of the Consumer Protection and Competition Act of 1992 (the "1992 Cable Act"). In our continued effort to keep communities abreast of rate regulation activity, this Bulletin is dedicated to updating local officials, Cable Advisory Committees, and interested parties on the status, time lines and issues the Commission is pursuing in connection with rate regulation. In addition, this Bulletin will update you on the recently announced Federal Communications Commission (the "FCC") Order which, among other things, adopts changes to the initial benchmark formula.

Rate Regulation Activity

Since the last Cable Bulletin in October 1993, the Commission has:

- Adopted state rules and regulations for rate regulation which are consistent with state and federal law;
- Filed for, and subsequently received, FCC certification to regulate basic service and equipment rates for communities in Massachusetts;
- Notified 22 cable operators servicing 277 Massachusetts communities that they are subject to rate regulation;
- Collected and analyzed rate filings for those communities subject to rate regulation; and
- Conducted rate hearings, as required by state law, to determine maximum reasonable rates for basic service and associated equipment rates in communities subject to rate regulation.

Initiating Rate Regulations

In order to obtain certification from the FCC, the Commission was required to adopt rules consistent with the FCC's rate regulations. On July 27, 1993 the Commission issued its first Notice of Proposed Rulemaking regarding rate regulation. After holding a series of public hearings across the state to gather public input on the proposed rules, the Commission released its rate regulation rules on September 24, 1993. The Commission became certified to regulate basic tier and equipment rates on October 7, 1993, and subsequently began to notify cable operators, in communities where the local issuing authority requested that the Commission regulate rates, that they are subject to rate regulation. After further public hearings, the Commission adopted rate regulations concerning rate proceedings and establishing the Pilot Program, which were released on December 17, 1993.

Benchmark Versus Cost-Of-Service Review

Under the FCC's rules, cable operators have the option to file either a benchmark ("streamlined") review or present a cost-of-service showing, if it feels that the benchmark rate will not afford the company a reasonable return. Of the 308 Massachusetts communities that have franchised cable systems, 277 communities have requested that the Commission regulate rates. All but thirty-four of the Communities are benchmark rate reviews. The Commission determined that for this year it will first review benchmark filings and, subsequently, begin rate determinations for communities where the operator has elected to make a cost-of-service showing.

Round One Benchmark Reviews

The FCC's initial rules for determining benchmark rates were based on regulations drafted in the FCC's First, Second, and Third Reports and Orders on rate regulation which were released in 1993. As outlined in last October's Cable Bulletin Number 93-7, this process was designed to be implemented as follows:

In implementing rate regulation in Massachusetts, the Commission will use a FCC-established benchmark to set a cable operator's initial maximum permitted per-channel rate for basic tier service in those communities which have requested rate regulation. If a cable operator's existing per-channel rate is at or below the benchmark rate on the date of initial regulation, it will be deemed reasonable; if the rate is above the benchmark rate, it will be presumed unreasonable and must be reduced unless justified by a cost-of-service showing. If a cable operator's per-channel rate is above the benchmark, it must be reduced either to the benchmark level or to a level which is 10% less than the operator's September 30, 1992 rate; whichever will yield a higher per-channel rate. Once the Commission has set an operator's initial per-channel rate, subsequent increases of this per-channel rate will be tied to inflation under a price cap mechanism.

[T]he 1992 Cable Act ties charges for equipment to cable operators' actual cost (plus a reasonable profit) and requires them to "unbundle" equipment charges

from service charges. The Commission will use FCC Form 393 to set initial rates and unbundle equipment charges from programming charges.

The FCC's rate regulation process requires each cable operator to submit financial information and subscriber data in order to determine its basic service tier rate. To streamline this process, the FCC developed FCC Form 393, which must be completed by all cable operators submitting benchmark filings.

FCC Form 393 consists of three parts. Part I is the cover sheet where a cable operator summarizes information from Part II and III. Part II will enable each operator to determine its maximum permitted per-channel rate and to unbundle equipment charges from its programming charges. The cable operator will use Part III to establish equipment and installation rates.

Cable operators experienced some difficulty compiling the Form 393 due to the newness of the forms, cable operators' differing accounting practices, and the lack of explicit directions from the FCC. For these reasons, some issues concerning the Form 393 were left open to interpretation. In order to clarify these and other issues, the Commission has been in constant contact with the FCC. To date all parties -- the Commission, local governments, and cable operators -- have found that rate making under the FCC's regulations is an intricate, involved process.

Public Participation

According to state law, the Commission is required to hold a public hearing on each rate filing. In complying with this requirement, considerable effort was given to balancing the 1992 Cable Act's policy goal of minimizing administrative and procedural burdens with the Commission's goal of creating an open rate making process that is accessible to the public and formally involves issuing authorities in the proceeding. The Commission has undertaken its commitment to regulate rates for each community across the state, but out of practical necessity was forced to hold consolidated hearings in Boston. In order to incorporate additional local input into the rate making process, the Commission also conducted six regional public meetings on rate regulation.

The Commission scheduled pre-hearing conferences and public hearings for all cable operators that submitted benchmark filings. This hearing schedule, which began in mid-January and concluded in mid-March, was aggressive, yet necessary for the Commission to meet the time frames imposed on the process by the FCC rules.

In keeping with the goal of localism, the Commission established the issuing authority as a party in the rate regulation process. In addition, the Commission adopted regulation 207 CMR 6.36 establishing the Statement of Clarification as a vehicle by which an issuing authority may submit written comments on the cable operator's rate filing. This allows for a local government to participate in the rate regulation process even if it is unable to attend the public hearing. Thirty-one of the 277 filed a Statement of Clarification, which provided the

Commission with valuable information and became an important part of the record. The Commission will continue to seek and welcome comment on ways to enhance meaningful local participation as it continues implementation of cable rate regulation in Massachusetts.

Pilot Program

The Commission has further tried to achieve its commitment to local participation by establishing a Pilot Program allowing selected local governments to determine basic service and associated equipment rates. The Pilot Program is designed to provide the Commission and issuing authorities with a record that will assist it in determining the best way to proceed with rate regulation in those communities that wish to regulate rates at the local level in the future. The Cities of Boston, Holyoke, and Lowell and the Towns of Concord, Hopkinton, and Southbridge have been selected for enrollment in the Pilot Program. The Pilot Program officially began on April 1, 1994 and the Commission will update all local governments on any major Pilot Program events.

Recent Modifications To FCC Rate Regulation Rules

Some subscribers have seen their rates increase as a result of the FCC's initial rate regulations, which took effect last September. In response to these unanticipated increases, the FCC's economists made revisions to their rate model that may eventually result in a wide reduction in cable rates for all subscribers. On February 22, 1994, the FCC adopted further changes to its cable television rate regulation rules, which it expects to further reduce cable rates by 7%. While the actual impact of the FCC's action is not yet known, the following excerpts are taken from its February 22, 1994 statements:

The [FCC's] revised rules will better ensure that consumers are offered regulated services at reasonable rates, and will provide incentives for cable operators to launch new program services and invest in advanced technology. The modified rate regulations will apply to regulated rates in effect on and after the effective date of the new rules; regulated rates in effect before that date will continue to be governed by the old benchmark system.

The [FCC's] revised competitive differential is based on a strengthening of its statistical and economic model for estimating the difference between rates charged by non competitive systems and systems subject to "effective competition," as that term is defined in the 1992 Cable Act. The [FCC's] model is based on a survey of industry rates conducted by [FCC] staff in the winter of 1992. The competitive differential represents the [FCC's] best determination of the average amount by which the rates charged by a cable operator not subject to effective competition exceed "reasonable" rates.

Under the revised approach for determining the competitive differential, the [FCC] computed, and considered, the competitive differential for each of the three types of systems deemed subject to effective competition. After analyzing the various

characteristics of the three types of effectively competitive systems, and exercising its expertise and discretion, the [FCC] determined that the best estimate of the average competitive differential is 17 percent.

The FCC's new Orders, Forms and regulations (released in late March) total approximately 500 pages. Copies of these documents are available from the Downtown Copy Center, 1990 M Street N.W., Suite 640, Washington D.C. 20036-3404, Telephone (202) 452-1422. This documentation is also on file at the Commission, if you wish to review it.

Notice of Emergency Regulation

The Commission adopted, on May 12, 1994, an emergency regulation which amends 207 CMR 6.43, Refunds. This is a technical amendment only. It changes the end of 6.43 (3)(a) from "shorter; or" to "shorter." This eliminates the "or" and changes the punctuation. The Commission will adopt this amendment as a permanent regulation pursuant to 207 CMR 2.06, after proper notice and hearing, within the next three months.

Other Matters

In previous mailings to issuing authorities, the Commission described changes in the law other than rate regulation, in which issuing authorities have an interest. These areas include home wiring and customer service standards. To date, thirty-three Massachusetts communities have incorporated all or parts of the FCC's customer service standards. Rather than incorporating standards into our state regulations, the Commission left consideration of these standards to local governments. Our belief is that issuing authorities are best able to determine community needs and then act on the standards accordingly. For those communities that have not reviewed the customer services standards presented in Cable Bulletin Number 93-1, the Commission strongly recommends that you review these provisions. Nevertheless, the Commission will continue to leave any determination of these matters to the issuing authority.

* * * *

We also want to mention that since joining the Commission last fall as Municipal Liaison, Frank Foss has worked with many of you and has made franchise renewal presentations to the communities of Hampden, Lexington, Clinton, Gloucester, Templeton, Swansea, Somerset, North Attleborough, Granby, Essex, Manchester, Southwick, Franklin, Marshfield, Carver, Plymouth, Kingston, Dracut, and Rockport. Please do not hesitate to call Frank, on his direct line (617) 727-6328, with any questions you have.

CHRONOLOGY OF RATE REGULATION RULES

Chronologically listed below are the FCC's and Commission's rate regulation rulemakings pertaining to the 1992 Cable Act.

Report and Order and Further Notice of Proposed Rulemaking, MM Docket 92-266, FCC 93-177, Adopted April 1, 1993, Released May 3, 1993.

- *FCC adopts initial rate regulation rules for the basic tier and associated equipment and cable programming tier.*

Notice of Proposed Rulemaking, Docket R-22, Released July 27, 1993.

- *Commission issues Notice of Proposed Rulemaking on Massachusetts' rate regulation.*

First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking, MM Docket 92-266, FCC 93-428, Adopted and Released August 27, 1993.

- *FCC clarifies and expands on rate regulation rules adopted in its First Report and Order.*

Report and Order and Further Notice of Proposed Rulemaking, Docket R-22 Released September 24, 1993.

- *Commission adopts Massachusetts' rate regulation rules consistent with FCC regulations, and proposes procedural regulations and Pilot Program.*

Third Report and Order, MM Docket 92-266, FCC 93-519, Adopted November 23, 1993, Released November 24, 1994.

- *FCC requires same method of initial regulation (benchmark or cost-of-service) for both basic and cable programming services tiers.*

Second Report and Order, Docket R-22, Released December 17, 1993.

- *Commission adopts Massachusetts' procedural rules consistent with FCC regulations and rules governing implementation of Pilot Program.*

Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking, MM Docket 92-266, FCC 94-38, Adopted February 22, 1994, Released March 30, 1994

- *FCC adopts new rate regulation rules applicable to second round of benchmark rate reviews.*

Third Order on Reconsideration, MM Dockets 92-266 and 92-262, FCC 94-40, Adopted February 22, 1994, Released March 30, 1994.

- *FCC clarifies many rate regulation questions and amends certain rate regulation rules.*

Report and Order and Further Notice of Proposed Rulemaking, MM Docket 93-215, CS Docket 94-28, FCC 94-39, Adopted February 22, 1994, Released March 30, 1994.

- *FCC adopts interim cost-of-service regulations.*

Canonie Environmental

cc: BOS

May 13, 1994

Canonie Environmental Services, Inc.
34 Inverness Terrace East
Englewood, Colorado 80112
Phone 303 799 1147
Fax 303 799 0186

Ms. Lynne Jennings
U.S. Environmental Protection Agency
Waste Management Division
90 Canal Street - Region I
Boston, Massachusetts 02114

Mr. Edmond G. Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

SCHEDULE CHANGE PER T. STONEMAN'S LETTER OF APRIL 13, 1994
ACTON REMEDIATION PROJECT
ACTON, MASSACHUSETTS

Dear Ms. Jennings and Mr. Benoit:

W.R. Grace & Company - Conn. proposes to make an additional change in the schedule submitted to you on April 13, 1994. That schedule proposed a technical review meeting to present the conceptual Air Monitoring/Emission Control/Public Health Plans on May 11, 1994, and present the draft plan on June 16, 1994.

In the process of reviewing the revised plan prior to the May 5, 1994 site walk, we found it prudent to seek additional assistance to assure that the resulting document will be one which Grace can feel confident will satisfy expressed concerns. The revisions currently being prepared will present a plan that is more real time based. We will require additional time to work out some of the technical details. We fully intend to meet our overall schedule so that we can still mobilize for remediation this summer.

Our proposed revised schedule is to submit a first cut of the draft plan to the GPs on June 24, 1994, to meet with the GPs on June 30, 1994 to review the plan and to have the completed draft plan delivered to the GPs on July 15, 1994. This schedule will still meet the overall schedule submitted on March 28, 1994, and we feel the revised plan will be well received and, hopefully, receive rapid approval.

Ms. Lynne Jennings, et al.
May 13, 1994
Page Two

In addition to the revised schedule, we also request a meeting with the GP technical staff to review the proposed application of meteorological data and application of the TELs in the Air Monitoring Program. This work has begun and we want to be sure we have interpreted the application the same as the GPs. Please advise us as to which date is convenient with you.

Very truly yours,

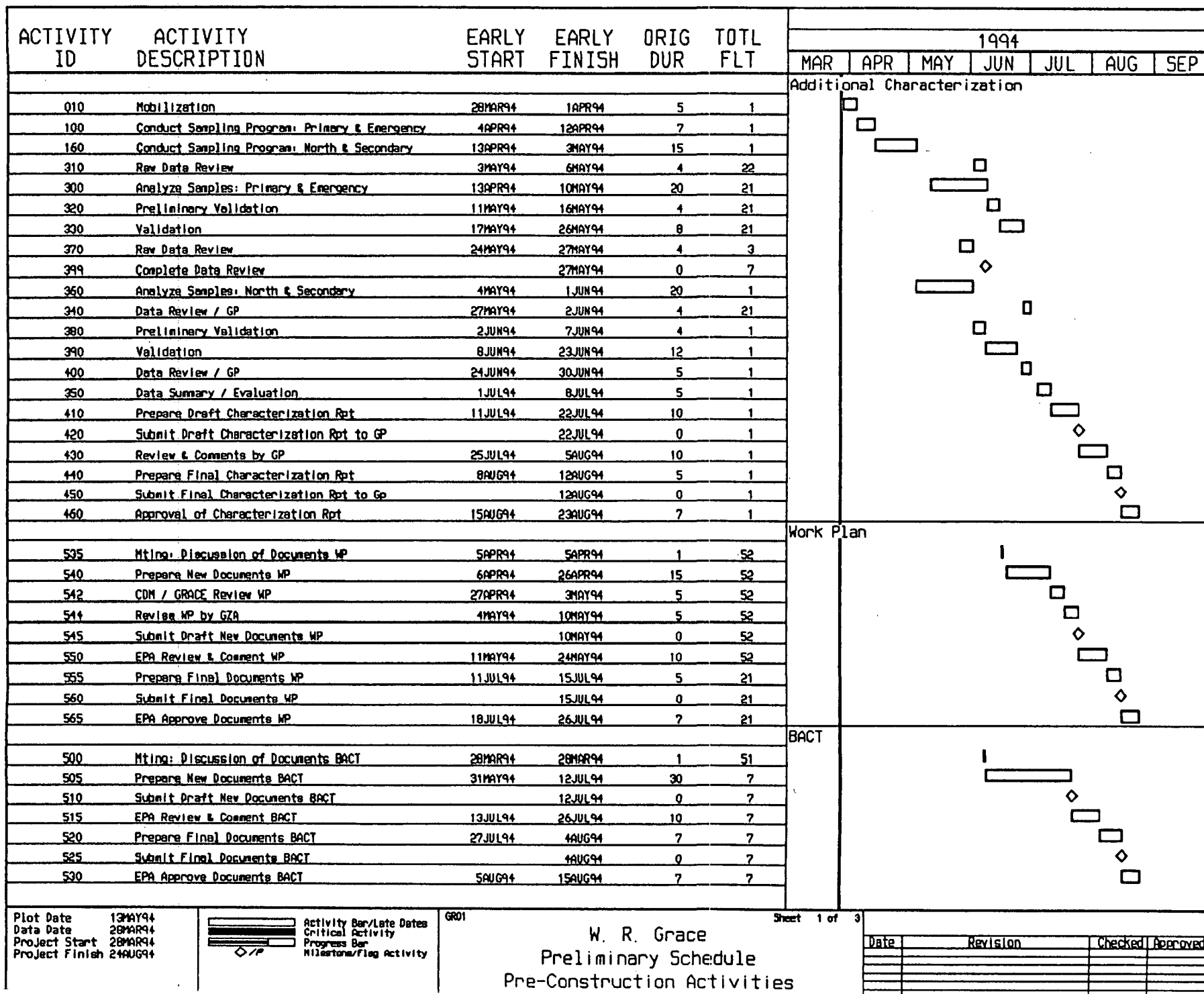


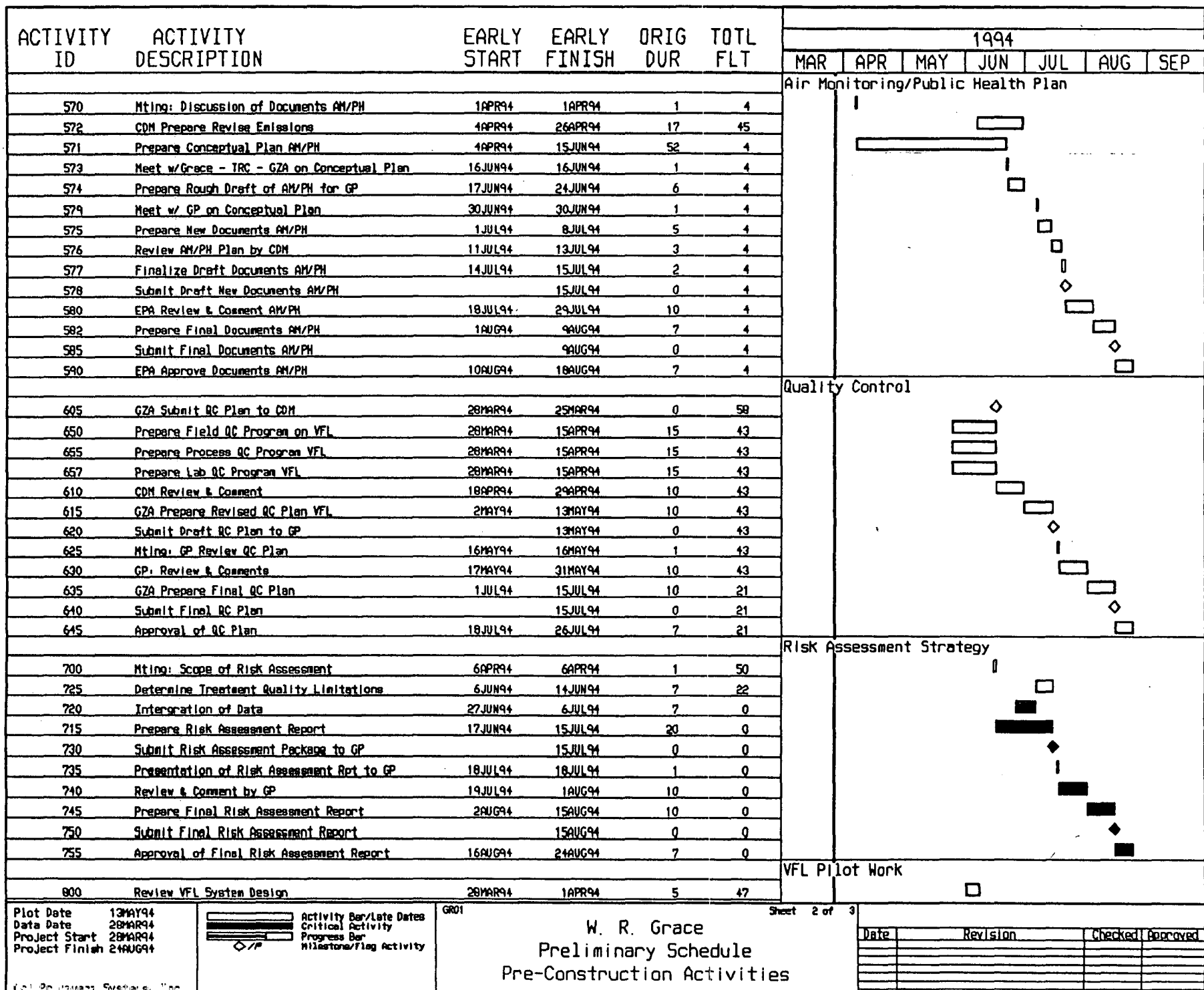
Thomas L. Stoneman, P.E.
Regional Construction Manager

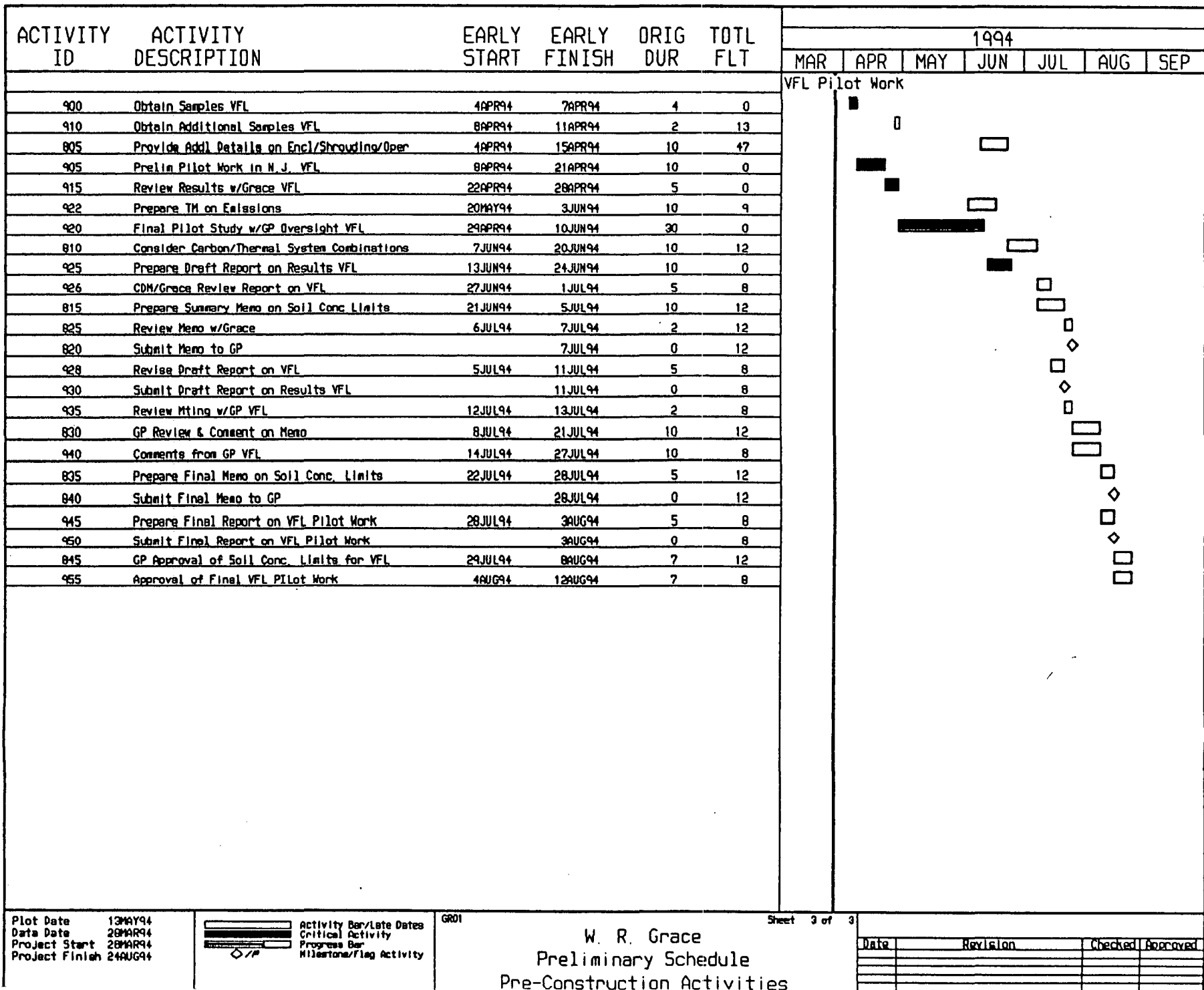
Enclosures: Lynne Jennings (4)

Edmond Benoit (3)

cc D. Halley, Acton (3)	C. Tuttle, DEP-Boston (2)
R. Sullivan, GZA (1)	J. DeStefano, GZA (1)
L. Ingram, Grace (1)	S. Anderson (1)
M. Johns, Grace (1)	H. Fox, Sierra Club (1)
T. Stoneman, Canonie (1)	C. Myette, Wehran-MDEP (1)
J. Swallow, Pine & Swallow (1)	R. Eisengrein, ACES Tag Mgr. (1)
M. Moore, Concord Board of Health (1)	D. Johnson, Acton (1)
W. Cheeseman, FHE (1)	M. Stoler, Grace (1)
W. Pencola, ENSEARCH Env. Corp. (2)	J. Okun, O'Reilly & Talbot, Inc. (1)







**ACTON SCHOOL COMMITTEE
MEETING**

Library
R.J. Grey Junior High

May 23, 1994
6:30 p.m.

AGENDA

6:30 p.m. I. CALL TO ORDER

6:31 p.m. II. IMPACT OF THE LOSS OF THE OVERRIDE

7:30 p.m. III. ADJOURNMENT

**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE**

SUB-COMMITTEE MEETING

Room #114
R.J. Grey Junior High

May 23, 1994
5:30 p.m.

AGENDA

- I. CALL TO ORDER
- II. DESIGN SUPERINTENDENT'S EVALUATION PROCESS
- III. ADJOURNMENT

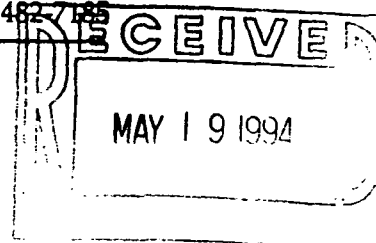
cc: BOS



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/452-7185

Serving 101 cities and towns in metropolitan Boston



May 16, 1994

Dear TIP Reviewer:

The Executive Office of Transportation and Construction (EOTC) has requested that the Fiscal Year 1994 Transportation Improvement Program be amended to provide a phased obligation for the Milk Street to North Street portion of the Central Artery project. The phased obligation identifies the source of funds that will be used to complete the project beyond the current fiscal year. With this amendment the region and the state will be committing funds, that will therefore no longer be available for other purposes.

The Intermodal Surface Transportation Efficiency Act (ISTEA) establishes several separate funding programs. Two funding programs, the Congestion Mitigation and Air Quality Program (CMAQ) and the Surface Transportation Program (STP) are funding sources where local projects are developed for implementation. EOTC is not requesting the use of these funds for the Central Artery project. The two sources of funds identified in the proposed TIP amendment, Bridge Reconstruction and National Highway System, are funding programs in which the state establishes the project list with input from the cities and towns. By making this request now EOTC will be providing some level of certainty to both the funding of the Central Artery Project and for the funding of local projects by reducing the annual search for funds for portions of the Central Artery.

Please review the attached material carefully and contact MAPC Transportation Planner Chris Skelly if you have any comments or questions about the proposed amendment.

Sincerely,

David C. Soule,
Executive Director

cc: Chief Elected Official
MAPC Representative
Legislative Delegation
Daniel Beagan, EOTC

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

PRINTED ON RECYCLED PAPER

MEMORANDUM

DATE: May 12, 1994

TO: SSC Members

FROM: Daniel Beagan, MPO Executive Secretary

RE: Amendment to the FY 1993-1995 Transportation Improvement Program

*State Transportation Building
Ten Park Plaza, Suite 215
Boston, MA 02116-3966
(617) 973-7100
Fax: (617) 973-8855
TDD: (617) 973-7084*

*James J. Kerasiotes
MPO Chairman*

Action Requested

Approval for distribution

Requested By:

Massachusetts Highway Department (MHD)

Description

The MHD is requesting an amendment to the project description of the Central Artery/Third Harbor Tunnel listings in the FY 1993-1995 Transportation Improvement Program (TIP) under the FY 1994 Bridge Program and the FY 1994 National Highway System as presented in the attached TIP page. The amendment is in response to FHWA's recommendation that the phased obligation of Federal funds be identified in the TIP for the year in which the project is advertised.

The attached copy of the FHWA April 14, 1994 memorandum from Chief Counsel Theodore McConnell to Administrator Rodney Slater outlines the reasons why the phased obligation of funds for this portion of the Central Artery project is necessary and recommended. Also attached is a letter from FHWA notifying Project Director Peter Zuk of approval of the phased financing as outlined in the proposed amendment.

The proposed amendment does not effect funding for FY 1994 since no money will be spent and no funding will be obligated until FY 1995. Additional Central Artery funding for FY 1995, 1996 and 1997 will be identified in the draft FY 1995-1997 TIP which is in the process of being developed.

Air Quality Conformity Determination

The proposed amendment has no impact on the Boston MPO Air Quality Conformity Determination as is was presented on September 30, 1993.



*The MPO members:
Executive Office of Transportation & Construction
Commonwealth of Massachusetts
Massachusetts Highway Department
Massachusetts Bay Transportation Authority
Massachusetts Bay Transportation
Authority Advisory Board
Massachusetts Port Authority
Metropolitan Area Planning Council*

FY 1993-1995 TRANSPORTATION IMPROVEMENT PROGRAM

PROPOSED AMENDMENTS TO THE HIGHWAY ELEMENT

FY 1994 BRIDGE PROGRAM

BOSTON **CENTRAL ARTERY/THIRD HARBOR TUNNEL** **MHD ID: 195001**

Advert. Date: 7/94

Work Type: No data

Design Resp: No data

Project Stage: Design/Right-of-Way/Construction

Work Also In:

Description: Central Artery activities under Contract #C17A2 from Milk St. to North St. will be advertised in July 1994. These projects will not incur costs or obligation of funds until FY 1995. However, FHWA requires that notice of the obligation of Federal funds be included in the TIP in the year in which the project is advertised. The obligation of Federal Bridge Program funds is as follows:

FY 1995 \$17,123,125
FY 1996 \$30,401,250
FY 1997 \$52,086,250

Amendments: Change the project description to identify phased obligation of FY 1995, 1996 and 1997 funds and revise the advertising date.

Project Costs	
Federal Funds Required:	\$7,500,000
State Funds Required:	1,875,000
Total Funds Required:	\$9,375,000

FY 1994 NATIONAL HIGHWAY SYSTEM

BOSTON **CENTRAL ARTERY/THIRD HARBOR TUNNEL** **MHD ID: 011710**

Advert. Date: 7/94

Work Type: No data

Design Resp: No data

Project Stage: Design/Right-of-Way/Construction

Work Also In:

Description: Central Artery activities under Contract #C17A2 from Milk St. to North St. will be advertised in July 1994. These projects will not incur costs or obligation of funds until FY 1995. However, FHWA requires that notice of the obligation of Federal funds be included in the TIP in the year in which the project is advertised. The obligation of Federal National Highway System funds is as follows:

FY 1995 \$10,273,875
FY 1996 \$18,240,750
FY 1997 \$31,251,750

Amendments: Change the project description to identify phased obligation of FY 1995, 1996 and 1997 funds and revise the advertising date.

Project Costs	
Federal Funds Required:	\$22,500,000
State Funds Required:	5,625,000
Total Funds Required:	\$28,125,000

F Y /
cc: Bos

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Planning Board

DATE: May 19, 1994

FROM: Roland Bartl, AICP, Town Planner

R.B.

SUBJECT: Perkins Lane Definitive Subdivision

An application for the approval of Perkins Lane Definitive Subdivision was submitted on 4/25/94:

Applicant: Distinctive Acton Homes, Inc.
Engineer: Stamski & McNary, Inc.
Location: 113 Arlington St., northwest side, ~250' south of Agawam St.
Map & Parcel: E-2/197
Lots: 4
Street Length: 500'
Acres: 7.6
Zoning: R-2
GPD, Zone 3
Partially in Flood Plain District

Decision Due Date: July 12, 1994

The proposal includes the construction of a sidewalk along Arlington Street. Attached are copies of the application, staff comments on the subdivision and sidewalk plans, and the Board's preliminary approval.

Subdivision:

- As implied by the Board in its preliminary approval (par. 2.6), the proposed definitive subdivision is a residential compound pursuant to Section 10 of the Subdivision Rules. Section 10 contemplates appropriate waivers from the Sections 8 and 9 (Design and Improvement Standards) of the Subdivision Rules. A list of requested waivers from Section 8 and 9 has been submitted, but it may not be exhaustive. In any case, the general concept appears fine.
- Please review attached questions, comments and recommendations from other departments. In particular, the design engineer should explain to the Board why this project does not need the 2 foot separation between the detention and retention pond bottoms and the maximum groundwater table (see 8.4.3 of the Rules, which makes reference to 4.3.5 of the Zoning Bylaw). This distance is a safety margin similar to the 4 feet required underneath septic systems.

- Normally, a residential compound is limited to 3 lots. This one would serve 4 lots. I do not see a problem with this. The decision would have to state a waiver.
- The application is missing a draft maintenance agreement and such other draft documents as required by the Rules, Sections 10.1.1.5 and 10.1.1.6.
- It is not readily apparent, but as designed the easement and turn around outside of the subdivision street layout represent a common drive serving at least 3 lots. Since the preliminary plan for this subdivision has been filed prior to the effective date of the recent zoning changes, a common drive special permit is required. This is a technicality, but one that cannot be avoided unless design changes are made. Note that the Building Commissioner's IDC does not mention this issue, but I have consulted with him and he agrees.

Sidewalk:

- In addition to those permits and approvals mentioned in Mr. Stamski's 4/29 letter, the proposed sidewalk requires a scenic road hearing due to necessary public shade tree removals.
- The proposed sidewalk is approximately 550 feet long. This is slightly less than the length of Perkins Lane plus the subdivision street frontage. However construction cost will be above average.

xc: ✓ Town Manager

rbsubd94*7

cc' BOS

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

STEERING COMMITTEE

- AGENDA -

Thursday, May 26, 1994
3:30 P. M.

Wayland Town Buidsing
Conference Room, 2nd flr

1. Approval minutes of April 28, 1994.....Bob Hilliard
2. Report of Exec Dir./Treas.....Jack Wilson
3. Report of meeting with Suburban Caucus co-chairs,
Sen. Hicks & Rep. Hynes.....Jack Wilson
 - A. Uncapping lottery distribution
 - B. MBTA Study Committee.
 - C. The Dover problem.
 - D. Gas tax distribution
4. Discussion lead by Rep. Pam Resor regarding ed reform
act.....Louise Haldeman
5. Plans for next newsletter.....Jessica Barnett
6. Old/new Business.....All
7. Next Meeting (June 30 proposed)..... All

* * * * *

If you are unable to attend, please call Louise Haldeman
(508 369 8562) or Jack Wilson (508 358 2489).

STEERING COMMITTEE MEETING
MINUTES

Thursday, 3:30 PM
April 29, 1994

Wayland Town Building
School Committee Room

Members Present: Frank LeBart, Bob Hilliard, Herb Kupchik, Mary Pratt, Jack Wilson, Sherry Dillon, David Tenney.

1. The minutes of 3/31/94 were unanimously approved.
2. Executive Director, Jack Wilson reported the bank balance to be \$4973. Report approved unanimously.
3. Jack Wilson reported for Louise Haldeman that Rep. Pam Resor (Concord, Acton, Carlisle) would come to our next meeting to report on the issue of distribution of Education Reform funds for f/y95. A discussion of this topic revealed concern for financing for regional school districts and Votec districts, so it was agreed to invite district officials to our May Steering Committee meeting.
4. Jim McKenna, Administrative Assistant, Town of Dover, reported on the fact of negative local aid to some towns. Dover's state assessments exceeded its Cherry Sheet receipts. Jim felt no community should be in a negative state aid position. The Steering Committee voted to bring this problem to relevant legislators and it voted to add Jim as a member of the Steering Committee.
5. Frank LeBart gave an update on the State budget. Senate and House have minor differences which have resulted in a stalemate. MMA has written a letter to the Governor asking him to resolve it. The \$15M for snow and ice removal needs support; the conference committee is quibbling over the distribution formula. Education reform is fully funded; there is a problem with regional schools. Each town should receive what it got last year in local aid plus a share of a new \$40M of lottery money. Gasoline tax distribution is budgeted at 7.5% with an additional 7.5% to come from a new transportation bond issue.

(OVER)

6. Legislation for the local services trust fund will be filed next fall which leaves time to organize a major public relations - grass roots campaign.
7. The Steering Committee discussed Chairman LeBart's suggestion that we hold a meeting of some sort to include gubernatorial candidates. The matter was deferred until the next meeting.
8. It was decided to invite Rep. Ed Teague (Yarmouth) or Sen. Rosenberg (Amherst) to participate at one of our next meetings - Possibly June 30.
9. The Committee voted unanimously to send \$100.00 to the Theo. Mann Excellence in Education Fund as a tribute to the late mayor who was a strong supporter of the Suburban Coalition.
10. Next meetings: May 26 & June 30 proposed.

Respectfully Submitted,

Bob Hilliard,
Secretary pro tem

MBTA relief may be on way

Legislature mulls assessment shift

By Jeremy Crockford
Patriot Ledger State House Bureau #47/94

BOSTON — The Legislature is considering shifting part of the cost of running the MBTA from cities and towns to the state and T riders.

The Transportation Committee agreed yesterday to study ending the current MBTA assessment system, which charges communities without bus or rail service as much as \$500,000 a year while giving a free ride to others with one or more train stations.

Among the options: bigger state subsidies, higher fares or some combination of the two.

"With the T now serving 70 percent of the state's population, it is time that the state and the fare box take over the funding," said Rep. Frank Hynes, D-Marshfield, who pushed for the study. "There is no easy answer. But the time has come to look at the inequities."

Hynes acknowledged that, in an election year, any sweeping change in the way the T is funded is unlikely. But yesterday's vote calls for legislation on the assess-

Please see MBTA — Page 13

Legislature considers shifting MBTA costs

■ MBTA

Continued from Page 1

ments to be ready for debate next spring.

That could mean the end of the 30-year-old system under which 78 communities pay annual T assessments, even though 23 of them have no direct T service.

Instead, the state would subsidize the T cost, with fare increases to cut the burden on taxpayers.

The MBTA has an \$800 million annual operating budget. Fares and assessments on communities each contribute about \$136 million a year. The state and federal government pay the rest.

But for years communities — especially those with no direct MBTA service — have complained about the growing cost of T assessments.

At the same time, other mass transit systems around the nation have relied far more heavily on fares than the T has.

In many systems, fares cover about 40 percent of the cost. At the MBTA, fares account for only about 17 percent.

Cohasset, Duxbury, Hanover, Hull, Marshfield, Norwell, Pembroke, Rockland and Scituate all pay T assessments of up to \$500,000 a year, but they get no direct rail or bus service. Communities that have some T service pay equally large or greater sums.

The assessment debate has become especially important now because of the MBTA's plan to re-establish the Old Colony commuter rail network south of Boston.

At issue is whether communities that get new commuter rail stations should be assessed by the MBTA.

A 1978 law spared new commuter rail locations from paying any assessment. But state officials say that law doesn't apply to communities that get Old Colony stations.

Officials in a number of South Shore communities are irate, saying they were promised by state officials years ago that there would be no assessments.

Fifty-two communities have some kind of T service or access to the T, but pay no assessments.

"It isn't right that we have borne the brunt of taxation by the MBTA for those people who are not paying," said Robert Stewart, a Walpole town meeting member.

Walpole paid \$446,617 in T assessment last year while hosting one commuter rail station. At the same time, Franklin, with two new commuter rail stations and MBTA parking for 800, paid nothing.

"The time has come for reform," said Rep. Jo Ann Sprague, R-Walpole.

Similar complaints were heard from other community leaders whose taxpayers fork over huge payments to the T, but have no service in their town.

At yesterday's hearing, officials from Stoneham, Wayland and Ashland all complained that they pay assessments annually while neighboring towns whose residents use the T just as frequently pay nothing.

Ashland paid \$315,000 last year for riders who use the Framingham commuter rail station, while neighboring

Paying for the T

How much local communities will pay in the coming year in MBTA assessments. Communities marked with an asterisk get no direct MBTA service.

Boston	\$54 million
Braintree	952,000
Canton	475,000
*Cohasset	153,000
Dedham	656,000
*Duxbury	285,000
*Hanover	491,000
Hingham	312,000
Holbrook	312,000
*Hull	259,000
*Marshfield	485,000
Milton	1.265 million
*Norwell	217,000
Norwood	737,000
*Pembroke	341,000
Quincy	3.4 million
Randolph	850,000
*Rockland	341,000
*Scituate	362,000
Sharon	409,000
Walpole	498,000
Weymouth	1.48 million

Holliston, with more riders, pays nothing, said Ashland officials.

North Attleboro, another community with a commuter rail station, pays no T assessment, while Holbrook will pay \$260,000 next year and Duxbury \$285,000.

Even in communities that receive direct T service, the assessment has been a cause for persistent complaint.

"We in Braintree do receive the benefit of being a host community; we also pay \$1 million for that benefit," Rep. Joseph Sullivan, D-Braintree, said at yesterday's Transportation Committee hearing.

Sullivan said that while he understands the need for communities like Marshfield and Scituate to stop paying for services they do not receive, he wants any legislation on the assessments to recognize the huge costs that communities like Braintree have been paying for years.

Sullivan said it is not just money that host communities pay.

"We are going to have three Old Colony (commuter rail) lines coming through Braintree. With that comes noise and assorted other problems," said Sullivan. "I hope there will be a recognition of what we contribute."

The system was set up by Gov. Endicott Peabody in 1964, and expanded the old Massachusetts Transit Authority from 14 communities into the 78-member Massachusetts Bay Transportation Authority.

Hynes said research he has done shows the original intent of the system was for communities that did not have direct MBTA service to pay "inconsequential" amounts.

But those amounts have soared in recent years, with communities such as Marshfield that paid just \$801 three decades ago paying nearly \$500,000 today.

CONFIDENTIAL

JOINT LABOR-MANAGEMENT COMMITTEE

CONFIDENTIAL

INSTRUCTIONS: Submit the original of this Petition to the Joint Labor-Management Committee, Suite 1602, 100 Cambridge Street, Boston, Massachusetts 02202. Petition must be filled out completely in order to be processed.

PLEASE PRINT OR TYPE

NAME AND ADDRESS OF LABOR ORGANIZATION

IBPO 1641 334 P.O. Box 212 Acton, MA 01722

AFFILIATION (if any) TO NATIONAL OR STATE LABOR ORGANIZATION

IBPO 159 Burim Park Quincy MA 02169-4215

NAME AND ADDRESS OF PRESIDENT OF LOCAL LABOR ORGANIZATION

Bruce Nadeau 1101 Fitch Ave. Littleton, MA 01460

NAME AND ADDRESS OF COLLECTIVE BARGAINING AGENT

Garratt Mahoney 159 Burgis Park Quincy MA 02169-4215

NAME AND ADDRESS OF MUNICIPALITY

The Town of Acton 472 Main St Acton MA 01710

NAME AND ADDRESS OF CHIEF EXECUTIVE OFFICER

Don Johnson Town Mgr / John Murray Act Town Mgr same

NAME AND ADDRESS OF COLLECTIVE BARGAINING AGENT

Atty Henry Stewart Palmer and Ridge 1 Beaver St Boston MA 02108

PHONE * HOME 508-486-8307
PHONE * WORK 508-264-9682

PHONE * HOME 617-376-7267
PHONE * WORK 617-376-7267

PHONE * HOME 508-264-9615
PHONE * WORK 508-264-9615

PHONE * HOME 617-577-0516
PHONE * WORK 617-577-0516

INFORMATION ON DISPUTE

DATE OF EXPIRATION OF CURRENT OR MOST RECENT COLLECTIVE BARGAINING AGREEMENT

6-30-93

NUMBER OF BARGAINING SESSIONS HELD TO DATE AND DATE OF LAST SESSION

4 sessions 5-10-94

STATEMENT OF ISSUES IN DISPUTE (Use another page if necessary)

Wages, Health ins, clothing all, specialty pay, night diff, Ed incentive, Out of town details etc.

DESCRIPTION OF ANY PROHIBITED PRACTICE CHARGES PENDING BETWEEN THE PARTIES

OTHER INFORMATION

SIZE AND COMPOSITION OF UNITS

NAME AND TITLES OF MEMBERS OF BARGAINING COMMITTEES

UNION
Garratt Mahoney IBPO National representative
Officer Bruce Nadeau, Chris Browne and
Fred Rentsler

MANAGEMENT
Atty Henry Stewart
John Murray Act Town Mgr
Police Chief Robinson

MANNER OF SETTLEMENT IN LAST TWO CONTRACT NEGOTIATIONS (Mediation, Fact Finding, etc.)

PETITION SUBMITTED BY: LABOR ORGANIZATION ☒

MUNICIPALITY ☐

JOINTLY ☐

SIGNATURE AND TITLE OF PRINCIPAL REPRESENTATIVE OF PETITIONING PARTY

Garratt E. Mahoney

DATE

SIGNATURE AND TITLE OF PRINCIPAL REPRESENTATIVE OF OTHER PARTY IF JOINT PETITION

DATE

If Petition is brought individually, I hereby state that I have caused a copy of this Petition to be served on the Principal Representative of the other Party.

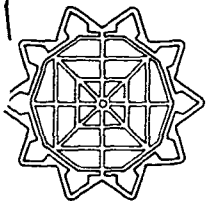
SIGNATURE OF PRINCIPAL REPRESENTATIVE OF PETITIONING PARTY

Garratt E. Mahoney

cc: BOS

H. Stewart

Mail packet 6/10/94



**Massachusetts
Municipal
Association**

Sixty Temple Place

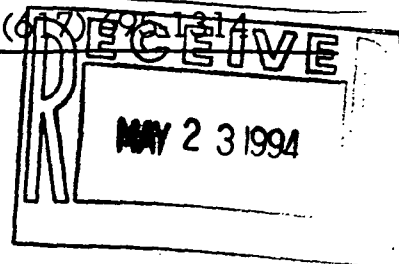
Boston, Massachusetts 02111

CHRIS - PLS. PROCESS FOR PYMT. \$3,568.00

CC: BOS - THIS ORGANIZATION IS BEGINNING
TO DO THE THINGS WE HAVE SEEN
AS WORTHWHILE.

(800) 882-1498

(617) 426-7272 FAX (617) 426-1314



May, 1994

Dear Local Official,

Enclosed please find the invoice for your community's membership in the Massachusetts Municipal Association for FY 1995, which begins on July 1, 1994.

We all know that communities are facing an enormous number of serious fiscal challenges. By joining together with your colleagues from every corner of the state through your membership in the MMA, you ensure a clear, strong voice for the future of local government in Massachusetts.

The MMA serves as your voice on Beacon Hill, bringing together all communities to present a united presence on all legislative, budget, and regulatory matters affecting local government. The MMA provides you with key membership education programs, workshops and seminars throughout the year and at Annual Meeting. We publish *The Beacon*, *The Municipal Advocate*, *Action Alerts*, the *Legislative Bulletin*, a new and improved *Municipal Directory*, and a number of special publications. In addition, the MMA administers several service programs that generate significant savings and revenues for towns and cities, including insurance through MIIA, and parking ticket collections through VACS.

At MMA's April 13, 1993 meeting of the Board of Directors, the Board voted to approve the Budget Committee's two-year recommendations for member dues, which included a 2.5% dues adjustment for FY 1995. MMA's dues were frozen in two of the past four years. Earlier estimates had suggested that dues could increase as much as 5%, and I am pleased to report that we were able to cut that projection in half. Coupled with a number of cost-saving measures that we have instituted during my tenure as Executive Director, this modest adjustment will enable us to maintain our existing services, continue our research and analysis capabilities, devote needed resources to our new membership services division and our education programs, and embark on an aggressive public communications effort to increase awareness and support for municipal issues -- all of this with level-staffing and a constant eye on management efficiencies.

The MMA has worked hard this year to gain ground in the ongoing effort to rebuild a stronger local-state relationship, win a greater level of local aid, protect communities from costly mandates, and secure greater management flexibility for local governments. Some of this past year's highlights include the following:

MMA won an additional \$40 million in Cherry Sheet Lottery Aid for FY '95, by securing passage of a Local Aid Resolution through the House and Senate -- the first such resolution since 1988. This is in addition to MMA's success in winning lottery aid increases of \$20 million in FY 1994, and \$23 million for FY 1993;

MMA is leading the charge against the onerous and ill-advised mandates in the school finance law, reducing the measure's overall negative fiscal impact, and will continue to serve as the only organization working to enact major provisions that would restore your ability to adequately fund and protect municipal services;

(over, please)

MMA won a first-ever commitment from the state for \$15 million in emergency local aid to help cities and towns deal with the budget problems created by the unusually harsh winter of 1993-1994;

MMA won passage of a new "public duty rule" statute, saving communities millions of dollars by protecting cities and towns from a flood of lawsuits;

MMA won initial approval at the committee level of a potential 66% increase in Chapter 90 bond funds for local road projects, up to \$150 million a year, and will be working to secure passage of these needed dollars, as well as embarking on an effort to win a permanent guaranteed share of gas tax funds for FY 1995 and beyond;

MMA won passage of a new local option coalition bargaining law, opening the door for many communities to forge innovative solutions to hold down health insurance costs, and defeated a number of special-interest proposals that would have limited the authority of local officials in this crucial area;

MMA successfully has worked to restore \$6.5 million in PILOT funding for reimbursements to cities and towns for property taxes lost to state-owned land, and is seeking to secure full funding for the program;

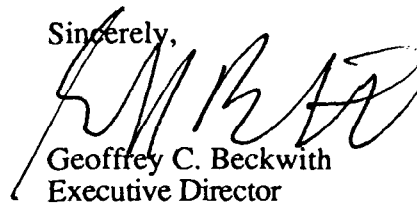
MMA has successfully pressed for full state funding of the so-called Quinn Bill, or Police Career Incentive Pay Program;

MMA was a key part of the effort to ensure that the commonwealth meet its commitments to fully fund new state education aid; and

MMA's insurance division, the Massachusetts Interlocal Insurance Association (MIIA), which provides 280 members with low-cost workers' compensation, property and casualty, and health insurance, has declared a record \$3,250,000 in dividends, and will continue to offer large savings for FY '95 members, and is seeing its new Health Benefits Trust grow steadily.

The MMA is your organization, created, composed and governed by local officials. Our membership consists of you and your municipal colleagues from all across the state. We bring every community together to build the strongest, most diverse coalition in the commonwealth. With your continued membership, active participation and leadership, will we continue to advance the cause of local government. We look forward to working with you, and as always, remain at your service.

Sincerely,



Geoffrey C. Beckwith
Executive Director

Note: Auditing standards require us to inform you that a portion of your membership dues equivalent to \$18.00 multiplied by the number of your municipality's publication entitlements constitutes your subscriptions to the MMA's monthly newsletter, *The Beacon*. A portion of your membership dues equivalent to \$20.00 multiplied by the number of your municipality's magazine publication entitlements constitutes your subscription to the MMA's quarterly magazine, *The Municipal Advocate*. These are paid subscriptions in accordance with section 1332.22 of the U.S. Post Manual.

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108

Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

May 27, 1994

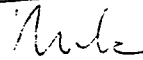
Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through April.

If you have any questions, please let me know.

Very truly yours,



Acheson H. Callaghan

AHC/dcb

Enclosure

CHRIS - PLS. PREPARE FOR PYMT.

6/10



CC: BOS - COVER & Z P. SUMMARY

ASSESSING -	"	"
PLANNING -	"	"
BUILDING -	"	"

May 27, 1994

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100

FEDERAL I.D. NUMBER 04-2170788

PLEASE RETURN THIS COPY WITH YOUR
PAYMENT TO ENSURE PROPER CREDIT

For professional services through April, 1994, as follows:

General Town Matters

Preparation of and advice regarding motions for annual town meeting; attendance at Town Meeting on April 4, 5, 6 and 11;	\$ 2,500.00
Preparation of and response to civil forfeiture action by U.S. Attorney against property in Town and related matters;	500.00
Research regarding zoning impact fees;	950.00
Research and advice on various zoning issues, including Foster Masonry site, Acton Enterprises site, and issues regarding common drives;	850.00
Services on miscellaneous other matters as shown on attached summaries;	300.00

Litigation and Related Matters

Services on tax abatement matters;	1,850.00
Services in connection with collective bargaining matters;	3,500.00
Research and preparation of reply brief in <i>DiDuca v. Acton</i> (zoning case) and miscellaneous services with respect to appeal;	7,000.00
Reply to post-trial memorandum in <i>Wagner v. Board of Appeals</i> ;	500.00
Services in <i>Mobil Oil v. Board of Appeals</i> ; and	225.00
Services in connection with Sawyer appeal from denial of gun permit.	<u>200.00</u>

TOTAL SERVICES **\$ 18,325.00**

EXPENSES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

Disbursements

Computer Research	\$ 81.32
Duplication	349.05
Express Delivery	12.10
Hand delivery	10.00
Telecopier	75.00
Telephone	41.77
Travel & Related Expenses	33.50
Velobind	<u>74.00</u>

TOTAL DISBURSEMENTS	<u>676.74</u>
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AMOUNT DUE	<u><u>\$19,001.74</u></u>
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MAGIC



Action
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

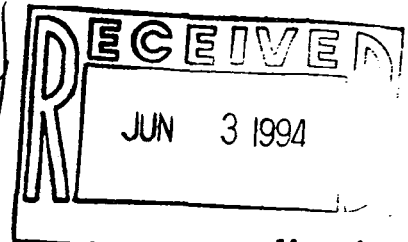
MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION

A Subregion of Metropolitan Area Planning Council

File Copy 6/10/94

Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770



cc: BOS

MEETING NOTICE

June 9, 1993

Maynard Town Hall

7:30 p.m. Updates and Briefings

State of the Region
Question of changing MAGIC's meeting date
Other

7:45 p.m. Transportation Improvement Program (TIP)

Chris Skelly of MAPC will present the draft TIP and the subregion's projects for discussion.

8:10 p.m. Report of the Housing Task Force

Donna Jacobs will report on the Housing Task Force's findings and recommendations and enlist MAGIC's support for future actions.

8:30 p.m. Finalize MAGIC's MAPC Project Proposal

For FY 95, MAPC is offering subregions the opportunity to compete for staff technical expertise to undertake worthwhile planning projects. At its May meeting, MAGIC voted to seek this assistance to address economic development issues (see May meeting notes for details). At the June meeting, members will refine and finalize project description, goals, tasks, time requirement, and anticipated products.

9:00 p.m. Title 5 Revisions

Does MAGIC want to draft a subregional letter? If so, what should it say?

Buxborough

01779

Acton
01720

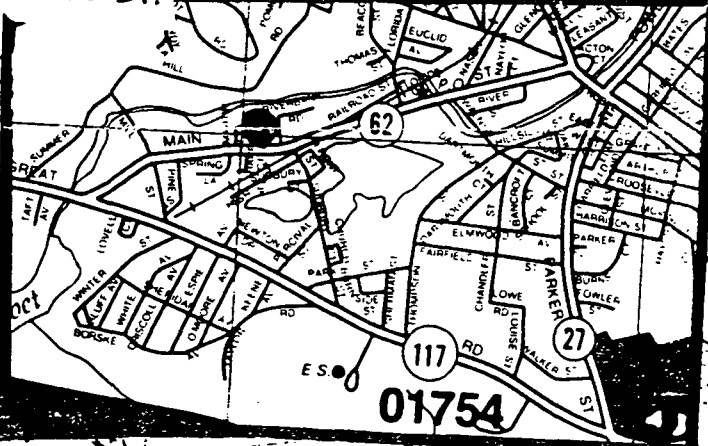
Stow

01775

Maynard

01754

MAYNARD MUNICIPAL BLDG.
MAIN ST.



U.S. MILITARY RESERVATION (MAYNARD LAKE)

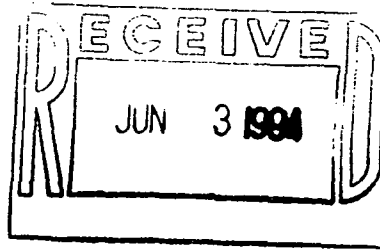
WILLIS LAKE

STEARN'S MILLPOND

BLANFORD POND

CARDING MILLPOND

cc: BOS



ACTON/CONCORD PRISON LIAISON

May 10, 1994

MEETING MINUTES

OK
5/11/94

Present: Jean Schoch, Acton
George Pederson, Acton
Wilber Walworth, Concord
John Lok, Concord
Stephen Allard, Facility Administrator
Brenda Covenor, Administrative Assistant

Facility Administrator Allard stated that due to illness, Superintendent DiPaolo was not able to attend the meeting. If the committee members had any specific questions he would appreciate it if you would give him a call.

Facility Administrator Allard began the meeting with several announcements of interest since the last time the committee met.

In January, two staff members representing the facility went to Orlando Florida to receive the official certificate of achievement for the Accreditation Audit that took place back in November 1993.

A committee member then asked why in Florida, did our grade change and what's next.

Facility Administrator Allard stated that Florida was the location for the ACA winter conference. Further stating that this awards ceremony was where the auditors, who accredited our facility, presented their findings to the association; who in turn awarded Northeastern Correctional Center with its certificate of achievement with the original score of a 98.6. Mr. Allard went on to say that this is a nice accomplishment for staff and now that we are an accredited institution the focus will be centered on working with staff to maintain the same excellence that we demonstrated during the audit.

The committee members were happy to hear of the facility's accomplishment and commitment.

MCI

Facility Administrator Allard announced that the Commissioner had approved the awarding of a contract for a site survey at NCC for a new school/program building. This is the initial step in a process that will lead to the eventual replacement of the school trailer.

Mr. Walworth commented on the ongoing need for space, stating that the new building will be ideal for programs. Mr. Allard concurred.

Ms. Schoch asked how this was managed referring to the budget.

Facility Administrator Allard stated that the present trailer is in such serious need of repair that refurbishing it would be almost as costly as replacing it. Therefore, replacing the trailer with something of future merit would only make sense. Mr. Allard went on to say that due to the Commissioner's strong goals on education of inmates have a GED prior to being released or going to pre-release, has influenced the process as well.

Ms. Schoch asked Mr. Allard if he could tell the committee anything about the "last minute meeting" he and Mr. DiPaolo attended which prompted re-scheduling the committee meeting to this evening.

Facility Administrator Allard stated that he and Superintendent DiPaolo met with Assistant Deputy Commissioner Bender to discuss certain inmates at their prison's, further stating that Assistant Deputy Commissioner Bender is their boss who receives directive from the Commissioner, as well as relays any issues/concerns to the Commissioner from Superintendent DiPaolo and/or Facility Administrator Allard; which led Mr. Allard into the next topic of discussion.

Facility Administrator Allard referred to the incident of inmate Stuart from MCI-Lancaster; stating that this unfortunate situation has, under the directive of the Governor, led the Department to review the criteria for inmates being placed in minimum security. As a result of this review, first or second degree lifers with escape histories will no longer be classified to minimum security and will remain in medium security to complete their sentences. All other inmates with escape histories will be carefully screened.

Mr. Allard stated that this criteria has prompted approximately eight inmates, from Northeastern Correctional Center, being returned to higher security - MCI-Concord. Mr. Allard concluded by stating that the Stewart case is the last thing the Department wants to have happen again. The committee concurred.

Mr. Walworth questioned the system of releasing the inmates who are no longer allowed to move to minimum security.

Facility Administrator Allard stated that these inmates will remain under the directive of the Department until processed through the Parole System.

Ms. Schoch then asked Mr. Allard if he had any prior concerns regarding the eight inmates he returned.

Facility Administrator Allard responded "no", not initially. However, upon review of all inmate folders, only eight had a past history of escape which prompted their return. Mr. Allard then reiterated that this decision was under the directive of the Governor, he had many concerns regarding the types of inmates that were in minimum security.

Ms. Schoch questioned the recent episode she read about MCI-Concord inmates causing a riot.

Facility Administrator Allard stated that approximately 2 months ago there was an incident with several inmates, in the segregation unit who were causing a disturbance. The Correction Officers specially trained for these types of disturbances (the Tactical Team) were able to defuse the situation quickly. Mr. Allard further stated he felt the media made more out of the incident than was necessary.

Mr. Pederson stated that he once observed a Tac Team exercise, commenting that he was very impressed and asked if they could do this type of exercise for the public sometime. Mr. Allard stated that he would discuss the possibility with Superintendent DiPaolo.

Ms. Schoch wanted to know the status on the "Gift Shop", commenting on the wonderful job they have done refurbishing the buildings.

Facility Administrator Allard stated that there are still a couple of things left to do such as develop handicap access and pave the parking lot; however, as they were preparing the parking lot they ran into the problem of an underground oil tank. The Department is currently working with the Office of Resource Management and the Concord Fire Department to have the tank removed but, due to the lack of available funds the opening date has been delayed to a Labor Day opening. Mr. Allard further stated that although this date will pass the tourist season, they are hopeful and look forward to the Christmas season to generate funds.

Mr. Walworth then asked about refurbishing the homes along Commonwealth Avenue.

Facility Administrator Allard stated that some of the homes are currently occupied by Department personnel and although he would like to see the homes refurbished, due to the lack of skilled manpower and funds this could not be done.

Ms. Schoch asked if there have been any new changes in Education or Programs.

Facility Administrator Allard responded "yes" and continued that in January, a new program was added called the Correctional Recovery Academy (CRA); explaining that this program is geared for those inmates who, referred through the classification process, have extensive "drug and alcohol" addictions and are serious about recovery. This is a 12 week intensive program located in the Gralton Hall building (West up).

Mr. Walworth asked if it was too soon to tell how the program is doing.

Facility Administrator Allard stated that it is going well. The feedback from the inmates, regarding the program, is that it is tough and Mr. Allard feels that "this is a good sign that the program is working."

Mr. Lok asked what happens once the program is completed, referring to the inmate.

Facility Administrator Allard responds that the inmate, upon admittance to the program, understands he must complete the program in order to be looked at favorably for consideration for pre-release.

Facility Administrator Allard then stated that the only other changes in programs/education is one of the present vocational education programs, Small Engine Repair. Due to budgetary restraints this program may be cancelled by the end of the fiscal year in July.

Ms. Schoch, referring to newspaper clippings, asked Mr. Allard if he could comment about the recent inmate slaying.

Facility Administrator Allard stated that because he does not know enough about the issue he would rather not comment.

Mr. Walworth then stated that he recently read something in the Boston Globe regarding "rape in prisons" and asked if we have had any incidents of this nature at Northeastern Correctional Center.

Facility Administrator Allard stated that in his 18 months at the facility, no incidents of this nature have occurred. He continued that procedures do exist and all allegation of sexual assault are investigated; commenting that some inmates have been known to allege "rape" in order to manipulate transfers. Mr. Allard further stated that because this is a sensitive issue all staff are trained to identify those inmates, upon their entrance to the system, who are potential sexual predators or possible victims to monitor them and prevent this type of situation.

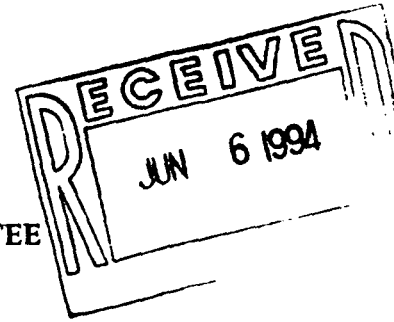
Mr. Walworth asked how we will be affected by the new medical contractor replacing EMSA.

Facility Administrator Allard stated that due to the new contractor, Correctional Medical Services (CMS), hiring most of the people who are currently working under EMSA, he does not anticipate any interruption in service.

The meeting was then adjourned with a future meeting date of Tuesday, September 13, 5:30, place to be announced.

Probably Concord H.S.

cc: BOS



ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

May 5, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, student representatives, citizens and press

The meeting was called to order at 7:30 p.m. by Pam Harting-Barrat, Chairperson.

At 7:31 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:50 p.m.

The ABRHS Madrigal Singers performed a short program. School Committee members thanked Bob Specian, director, and the singers for their enjoyable addition to the agenda!

The chairperson highlighted the items to be discussed during the meeting.

The minutes of March 31, 1994 were approved as presented.

Warrant #94-041 in the amount of \$212,012.85, warrant #94-042 in the amount of \$111,847.83, warrant #94-043 in the amount of \$7,906.18, warrant #94-044 in the amount of \$479,447.04 and payroll warrants totaling \$773,153.95 were signed by the chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: None

OLD BUSINESS

1. **Revised Distribution of Materials Policy - Second Reading**

- Dr. Zimmerman briefly reviewed the policy.
- Jean Butler suggested that some material could be distributed at the discretion of the principal, and that the PTO groups should be specifically included.
- Dr. Zimmerman would like to have a professional to look at our policy manual to sort out policy/procedure statements. Linda Kroll said that school committees are redoing policy books due to changes in education reform legislation. Micki noted that MASC offers this service.
- Dr. Zimmerman will bring a revised policy and procedures to the June meeting.

2. **Confirmation of Approval of High School Baseball Trip**

It was moved, seconded and unanimously

VOTED: To confirm previous verbal approval of the high school baseball team's trip to Cooperstown, NY on April 16 and 17.

On behalf of the School Committee and administration, Dr. Zimmerman has asked that requests for athletic trips be submitted on time.

3. Proposed Athletic Fees - 1994-95

- Dr. Zimmerman briefly reviewed the rationale for instituting the fee this year; we were in danger of having to eliminate sports. Because of the one-time large gift from ABSAF, the fee was relatively low.

- Next year, however, ABSAF's contribution cannot be as great; therefore the proposed fee for 1994-95 is \$95. (Most schools in our area charge between \$50 and \$100.) This fee will cover all salaries, supplies, materials and trainer. Booster groups may continue to raise funds as they have in the past.

- Several committee members commented that this is too high an increase. Micki asked if booster groups could help pay the fee and Dr. Zimmerman said yes, they could help defray the cost. Since this amount is based on a specified number of participants, Don asked if we were prepared to cutback if we don't get the sign-ups.

- Mike Guzzo, next year's ABSAF president, said that a letter signed by 30 ABSAF members will be sent to the School Committee about the effort to divide funds evenly and fairly. He added that there is an expectation that there will be a fee for music programs, and ABSAF plans to address this next year.

- Pam thought that it was unfair to athletes to bear the burden of the high fees. The school committee needs to be neutral and look at it across board. She hopes we can revisit the entire athletic fee policy in response to ABSAF and community concerns. Lees felt that the committee needs to listen hard to the fairness concern, that athletic fees with no other is not fair.

- Linda felt that if we are going to have additional fees, they should all be considered together as package. Dr. Zimmerman can present a package again in June.

- Steve Donovan and several school committee members voiced a real concern about charging a fee for service organizations.

- Don Wheeler and Steve Aronson thought we are not looking at the expense side; other departments have had to do with less this year and athletics may have to do the same.

- Mary Anne noted that if band had its expenses taken care of to the extent the athletic program has, they would not mind paying a fee. She said there are inconsistencies, i.e., different teams/activities are supported at different levels.

- Rick suggested looking at a pay as you go policy, i.e., it isn't right for everyone to pay \$95.

- Lees said we have to acknowledge that we don't have the money any longer to support all these programs in the budget, but that parents want the opportunity for their children.

- Steve commented that we should incorporate band and athletics into the policy for fairness and consistency.

- Don asked about increasing gate receipts; Steve Donovan said ours are comparable; we did not charge for afternoon games this year.

- Another option, Dr. Zimmerman said, is to turn sports back to parent groups entirely.

Steve Donovan suggested considering fees for those activities that compete for Acton-Boxborough.

- Mr. Kabakoff suggested a pay as you go model, with ABSAF paying for inordinate expenses.

- Steve said we need to establish a clear policy about including activities as part of educational process and then leave to administration and parents groups and ABSAF as to its

implementation. He and Linda suggested meeting with the booster groups, ABSAF and activity heads.

- Dr. Zimmerman said we need to bring something else to the committee, i.e., three or four statements of policy including public, private or mixture for funding.

4. Fundraising Procedures - First Reading

• There was discussion about the wording of the first three sentences of the procedures. The first sentence was amended to read, "The School Committees hold the position that PTO and other parent groups shall not supply funding for personnel, except under the following procedures," followed by a) ,b), c) etc.

- Linda would like a stronger statement.
- Jean suggested adding a clause regarding funding for personnel in their individual schools; she feels the policy should be district-wide.
- Lees remembered that, at previous local school committee meetings, there was much parental input, and this document was developed as a reasonable compromise to give parents some latitude.
- There will be a second reading of the fundraising procedures at the next meeting
- Regarding the gift policy, Dr. Zimmerman said the administration will present an overview of what gifts were planned for coming the year.

NEW BUSINESS

1. Leaves of Absence Policy - First Reading

- There was discussion about the number of years leaves should be granted. The wording of the first sentence "*up to*" was changed to "*not more than*".
- There will be a second reading next month.

2. High School Debate Club Trip Approval

It was moved, seconded and unanimously

VOTED: To approve the High School Debate Team trip to Oshkosh, WI from May 27-30 to participate in the Grand National Conference.

Don congratulated the six students and faculty advisor, Bill Seymour, and wished them luck.

3. Naming of the New Concession and Press Facility

It was moved, seconded and unanimously

VOTED: To name the new concession facility at the high school football field "The Finley Concession and Press Facility."

This falls within the guidelines of school committee policy. The facility will be dedicated on May 21, 1994. Everyone is invited to attend.

FOR YOUR INFORMATION

Dr. Zimmerman referred to:

- Establishing School District Goals for Next Year
 - Linda suggested we coordinate with the individual schools' improvement plans. Dr. Zimmerman will ask for a rough draft from each school and there will be further discussion at the July 7 piggy-back school committee meetings.

- **Congratulations** to Nancy Kolb, who has been appointed Director of Pupil Services, K-12, effective July 1, 1994.
- The RDLs (Regional Department Leaders) have been appointed: Pam Lynn, Social Studies; John Nacke, Science; Rosie Dow, Math; Joean Doherty, Foreign Language; Nancy Nizel and Dorothy Johnson, sharing RDL/BDL English. The BDLs (Building Department Leaders) will be announced soon.
- **Congratulations** to Mac Reid, who has been appointed Principal of the RJGrey Junior High, effective July 1, 1994.
- HS Seniors memo - A letter will be sent out urging responsible behavior.
- Subcommittee on Evaluation for Superintendent - Pam reported that the committee has met and will meet again on the 23rd.
- Draft of Gift Policy - Please review and react between now and next meeting.
- Jean was glad to see that the Peer Leadership group was helping with smoking issue.

WARRANT DISCUSSION: None

CONCERNS OF THE COMMITTEE

- On behalf of the committee, Mary Anne said farewell and thanks to Don Wheeler, this being his last (official) school committee meeting. The Committee and communities have appreciated his thirteen years of service. We will miss his leadership, insight and humor.
- It was moved, seconded and unanimously

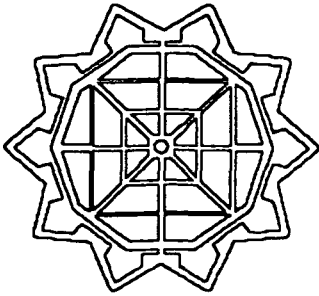
VOTED: To name the Junior High library after Clifford Card in recognition of his 20 years as principal. The dedication will be on June 2 at 2:30 p.m.

- Lees congratulated the Academic Decathlon Team which placed fourth in the nation - an unprecedented victory! Dr. Zimmerman plans to invite all students who receive awards, etc. to meet with the School Committee.
- Steve Aronson invited all to attend *India Day* at Conant on Friday, May 13. He also thanked Mr. Kabakoff and all those working on Project Graduation.

NEXT MEETING - June 2 - 7:45 p.m., JH Library

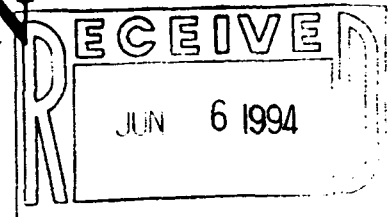
The meeting was adjourned at 11:00 p.m.

Respectfully submitted,
Sarah T. Lawton, Secretary



Massachusetts Municipal Association LEGISLATIVE BULLETIN

June 3, 1994



SENATE COMMITTEE SET TO RELEASE ITS BUDGET

All indications are that the Senate Ways and Means Committee will release its budget recommendations during the week of June 6. Under the rules of the Senate, the budget cannot be taken up sooner than five days after the Ways and Means Committee reports it out, and all amendments must be submitted to the Senate Clerk's Office 48 hours before the full Senate begins its budget deliberations. Therefore, we anticipate that the Senate will complete its work on the budget by the end of the week of June 13. Such a schedule would mean that the Legislature is on target to get the budget to the governor before the beginning of the new fiscal year on July 1.

The MMA will concentrate on three areas in the Senate budget. First, we will push hard for the Senate to adopt the House language on phasing out the cap on the lottery over a five-year period starting in fiscal 1996. Second, we want to restore the line-item for state-owned land to at least the \$6.5 million figure that communities have received in past years. (The House adopted an amendment that provides \$4 million for state-owned land.) Finally, we will make a major effort to make the education reform bill more workable. In this area we want the Senate to include four amendments adopted by the House: two on waiver processes, one on allowing city council or town meeting approval for school expenses that are not included in a community's foundation spending plan, and one on permitting communities that are spending below foundation—but are spending above the statewide average from their own resources—to qualify for overburden aid.

Please call your Senator and ask for his or her commitment on these priority items.

Action Awaited on Chapter 90 Funds

The Senate Committee on Ways & Means is continuing its deliberations on the capital expenditures bill, H. 4905, which contains \$300 million in Chapter 90 funds for local road projects. The MMA has sent a letter to the full Senate urging them to act upon the capital expenditures bill prior to taking up the budget. The House in May engrossed a capital expenditures bill, H. 4905, that contains \$300 million in Chapter 90 bond authorizations for cities and towns. The House bill would expand the Chapter 90 program to include the use of funds for a variety of construction projects. The MMA also urges its members to contact senators to ask for their assistance in moving the bill out of committee to the floor for action as soon as possible.

Changes in School Finance Law Debated

The new school finance law was a hot topic for debate during House consideration of the state's fiscal 1995 budget last month. The version of the budget finally approved by the House and sent to the Senate includes all or parts of four MMA-sponsored changes to the law (see the May 20 *Legislative Bulletin* for details) as well as more than a dozen other proposed changes. Several of these amendments would make the school spending requirements in the new law even more difficult for cities and towns to meet than they are now. The MMA has targeted the following two amendments as the most important to defeat.

Municipal Medicaid Amendment

Section 297 of the House budget bill [House 5001] would prevent cities and towns receiving Medicaid reimbursements related to special education expenses from using these funds to meet

the requirements of the new school finance law. School committees would be authorized to spend reimbursement amounts without municipal appropriation, and any such spending would not count toward meeting the "foundation budget" spending targets set under the new law. Under the section 297 rules, cities and towns would appropriate property tax and state aid dollars as they do now to pay for special education expenses, which are included in the spending target, but medical reimbursements would become discretionary revenues for the school committee to spend in addition to "foundation budget" spending. Under current law, Medicaid reimbursements are general fund revenues and may be used to meet the minimum required local contribution. In fact, some cities and towns appropriated these revenues for the support of schools this year and have budgeted amounts for fiscal 1995 as well.

The municipal Medicaid reimbursement program was established last year to provide financial assistance to cities, towns, and regional school districts with special education costs. The Department of Education estimates that more than half of all municipalities are eligible and that when fully implemented the program will provide more than \$35 million in reimbursements. In May, \$4.1 million was distributed to 32 cities and towns.

The MMA has argued that section 297 should be stricken, and that any Medicaid reimbursements related to special education costs should be used to defray the property tax contribution to this program, not to set up a discretionary fund for school committees. In addition, because special education expenses are included in the foundation budget, Medicaid reimbursements should be available to cities and towns for use in reaching the foundation amount, not for unrelated spending as would be required under section 297.

Excess Debt Service Amendment

Sections 261 and 262 would change the rules for calculating the relief from the required school spending amount that a city or town would be eligible for using the "excess debt service amount" factor under the new school finance law. The new rules would prevent most cities and towns from using this factor. This excess debt

factor was included in the law to allow cities and towns with high levels of debt service for school construction projects to count toward meeting the school spending target any debt service amount above the per pupil state-wide average. Under current law, any excess debt service amount is deducted from the "minimum required local contribution." Under sections 261-262, the "excess debt service amount" would be deducted from the "standard of effort." This limits the availability of this factor to cities and towns required to close a standard of effort gap without the benefit of "overburden aid."

Update on Teachers Early Retirement

In the May 20 *Legislative Bulletin*, the MMA notified its members that the Massachusetts Teachers' Retirement Board had informed school superintendents that the cost of the teachers' early retirement program had been recalculated, and, therefore, the program's cost would be much higher than anticipated for most districts. The teachers' retirement board is responsible for preparing a funding schedule for each participating district based on the Public Employee Retirement Administration's analysis of the costs of the additional benefits.

During the May Local Government Advisory Committee meeting, the MMA asked the Weld Administration to provide some relief to districts which had accepted the program based on an erroneous formula. The MTRB met May 27 to review this issue. Based on the advice of the Attorney General's Office, the MTRB determined that once a city, town, or district has accepted the incentive, it cannot rescind it. According to the MTRB, the Attorney General's office noted that there is nothing in the law that prevents a local government that has already accepted the program from capping the number of teachers that can take advantage of the program, or limiting the benefits under the program. According to the MTRB, a municipality wishing to do so would have to use the same procedure to limit or cap as was used to accept the early retirement program.

Court Ruling to End "Flow Control"

The U.S. Supreme Court ruled last month that cities and towns do not have the authority to enact "flow control" by-laws for solid waste disposal. Flow control refers to the process by which a community by-law determines that all of the trash—residential and/or commercial must be disposed at a city or town designated facility. In *C&A Carbone v. Town of Clarkstown*, the Court ruled that the commerce clause of the United States Constitution prohibited that New York community from adopting its by-law on flow control because the U.S. Congress has not yet explicitly authorized communities to adopt such measures.

The effect of this decision will vary quite a bit for Massachusetts municipalities. It will have its greatest effect on those communities that have adopted by-laws requiring private contractors to dispose of a community's trash at a designated facility (including municipally owned landfills) at above market prices. However, those communities that pay the tipping fee themselves can still, by means of a contract, require haulers to dump at a designated disposal facility.

Fortunately, there is a legislative solution to this problem currently before the Congress. S.1634 introduced by U.S. Sens. Howell Heflin (D-Ala.) and David Durenberger (R-Minn.). This bill would permit cities and towns to adopt constitutionally permissible flow control statutes.

Quinn Bill Underfunded in Budget Plans

The MMA has learned that the Police Career Incentive program or "Quinn Bill" was underfunded in Governor Weld's recommended fiscal 1995 budget and the House fiscal 1995 budget by \$1.3 million. Both budgeted \$11.5 million for the reimbursement program; however, the actual cost for fiscal 1994 reimbursements is \$12.8 million. The MMA is working with representatives from unions and the police chiefs association to include \$12.8 million in the Senate budget. MMA has contacted Senate Ways and Means Chairman Thomas Birmingham (D-Chelsea) and Sen. James Jajuga (D-Methuen), a leading public safety advocate who also serves on the Senate Ways and Means Committee, and urged them to fully reimburse the police career incentive costs in the Committee's

fiscal 1995 budget. For four years "Quinn Bill" payments were underfunded. However, after the concerted efforts of local officials, union representatives, and Attorney General Scott Harshbarger, the state's share of the program was fully funded in the fiscal 1993 and 1994 state budgets. Local officials from communities that have accepted the Quinn Bill are asked to urge their legislators to fully fund the police career incentive program in the Fiscal 1995 state budget.

Commission to Study Labor Procedures

The Legislature's Public Service Committee has recommended the formation of a special commission that would study collective bargaining and dispute resolutions for municipal police officers and firefighters. This initiative is in response to the police and fire unions' demand that compulsory binding arbitration be reinstated in Massachusetts. This commission would be charged with examining procedures in order to resolve situations where collective bargaining negotiations have remained unresolved for an "unreasonable" period of time between the unions and the local government. The commission would be made up of 15 members, including a representative of the MMA, and a management member of the Joint Labor Management Commission.

Just Cause Bill Moves in Senate

The Public Service Committee favorably reported to the Senate S.1686, which would require that non-civil service police chiefs and non-civil service police officers be reappointed except for cause, guaranteeing lifetime tenure for these chiefs and officers. The legislation would require a hearing for cause upon the non-reappointment of a non-civil service police chief or non-civil service police officer, equating non-reappointment with dismissal. This requirement would reverse current case law allowing an appointing authority to allow a non-civil service appointment to expire without a hearing for cause. A potential alternative to S.1686 that would address the police chief concerns would be to create a section of the general laws allowing police chiefs to negotiate

employment contracts, similar to MGL Chapter 41, Section 108N, which authorizes town manager employment contracts which cover conditions of employment. This section of the law maintains municipal appointment and removal powers, and specifies that tenure shall not be granted for such positions. Instead of S. 1686, the MMA is asking the Legislature to consider a similar provision for police chiefs, and is scheduled to meet with the chiefs to discuss a compromise agreement.

House Acts on Campaign Finance Bill

Last Thursday, the House debated a campaign and political finance bill, H. 4981. During debate, two floor amendments were adopted pertaining to local government. One amendment sets up a special commission to study Chapters 268A&B, the statutes of the Massachusetts General Laws that cover ethics. A representative of the MMA is to be appointed by the governor to serve on the commission, whose reporting deadline is the first Wednesday in November 1994.

The second amendment includes language requiring a mayor from a city with population of 100,000 or more to designate a national bank or trust company authorized to do business in the commonwealth as a depository for campaign funds. Documentation of the transaction is to be filed with the director of the Office of Campaign and Political Finance within three days of the declaration.

The Senate had previously acted on its own version of the bill, S. 1713. The bill is now before a conference committee for review. The conferees are: Reps. John McDonough (D-Boston), David Cohen (D-Newton), and Robert Hawke (R-Gardner); and Sens. Stanley Rosenberg (D-Amherst), Thomas Birmingham (D-Chelsea), and Richard Tisei (R-Wakefield).

AG to Enforce Prevailing Wage Statutes

The state Attorney General's Office is now responsible for enforcing prevailing wage statutes rather than the state Department of Labor and Industries. The language authorizing the transfer was added as an outside section to the fiscal 1994 budget. The revised statute, Chapter 149 §27B,

requires every contractor or subcontractor on public works projects to submit a certified payroll to the awarding authority every week. According to an April Advisory from the Attorney General, local officials are required to monitor the contracts for compliance with prevailing wage statutes, and report any suspected violations to the Attorney General's office. This will increase the workload for every city and town and add cost and liability because no state funding has been provided to cover the costs. The MMA has been in contact with the Office of the State Auditor, which is currently reviewing the new statute to ascertain if it is an unfunded mandate.

Health Care Workshop Reminder

The MMA is holding a workshop on "Managing Health Care Costs," from 8 a.m.—1:30 p.m., Friday, June 24 at the Springfield Holiday Inn. Topics include: a review of the requirements of Chapter 32B, how to work with retirees, and joint purchase arrangements. Please contact Christine Litchfield at the MMA 617-426-7272 to register for the conference.



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

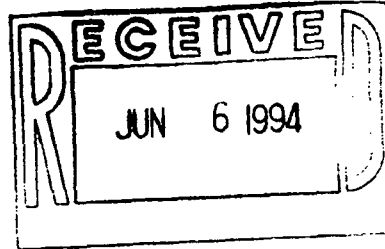
P.O. Box 9655
Boston 02114-9655

cc: BOS

MITCHELL ADAMS
Commissioner

(617) 727-2300
FAX (617) 727-6432

LESLIE A. KIRWAN
Deputy Commissioner



Dear Board of Assessors:

The Bureau of Local Assessment has completed the process of determining the proposed Fiscal Year 1994 Equalized Valuations (EQVs), representing the full and fair cash value of all taxable property for each municipality as of January 1994. Once approved by the Legislature, the final EQVs will be used as a basis of comparison among the 351 municipalities within the Commonwealth for certain state and local purposes.

Currently EQVs are used in determining some aid programs, including Lottery distribution and Education Reform's Overburden Aid, as well as certain assessments. Enclosed is a reprint of a recent City and Town article which includes a list of the specific Cherry Sheet aid and charges using these values. In addition, EQV is used in calculating a community's debt limit (MGL Ch.44, sec.10).

To complete the 1994 Equalized Valuations, the Bureau depended on information you provided. Specifically, we requested the calendar year 1992 sales reports reflecting assessed values as of January 1, 1993. (If your community's values were certified by the Bureau in FY94, the sales reports submitted for that purpose were used.) In addition, we relied on the Form LA-4, Total Assessed Value as of January 1, 1993, which was submitted by each municipality as part of the FY94 tax rate setting process.

Through a statistical analysis of this information, the levels of assessment for each class of property were determined and then the estimated full and fair cash value was derived. To this was added a projected 1994 new construction value developed through a review of the past four years' new growth. The resulting preliminary figures for your municipality appear on the Form LA-19, 1994 Equalization Study

For those communities who wish to question their proposed EQVs, hearings will be held in our Boston, Worcester and Springfield offices during the week of June 6 - 10, 1994. At that time we will meet individually with Boards of Assessors to address their concerns and review any documentation supporting different values. If you would like to schedule an appointment, please contact Marjorie Lesnever in our Boston office [(617) 727-2300], Kimberly Budd in our Springfield office [(413) 784-1030] or Debra Joyce in our Worcester office [(508) 792-3571].

Sincerely

Leslie A. Kirwan

Leslie A. Kirwan
Deputy Commissioner

**MASSACHUSETTS DEPARTMENT OF REVENUE
BUREAU OF LOCAL ASSESSMENT
1994 EQUALIZATION STUDY**

ACTON

Class	Assessed Value	Assessment Ratio	Estimated Full Value
Residential	\$ 1,158,650,300	0.94	\$ 1,232,606,700
Open Space			
Commercial	165,081,993	0.94	175,583,700
Industrial	70,575,500	0.94	75,080,300
Personal	23,599,923	1.00	23,599,900
Real/Personal	1,417,907,716	0.94	1,506,870,600
Estimated Growth 1.46%			22,000,300
Proposed Equalized Value June 1, 1994			1,528,870,900
Chapter 121A			
1994 Equalized Valuation			

accordance with M.G.L CH. 58 S. 9, Proposed Equalized Values are reported
o each municipality for review. See enclosed letter for further information.



Division of Local Services

1994 Equalized Valuation Preparation to be Used for FY96 Programs

Every even numbered year, the Commissioner of Revenue determines the Equalized Valuation (EQV) for each city and town in the Commonwealth (Chapter 58 §9). Estimates are developed for full and fair cash value of all taxable property as of a common date since property recertification is a three year cycle process. The Division of Local Services (DLS) has once again geared up to develop this analysis for 1994. This article will briefly describe the uses of EQV, the timetable for completion of the program and the assistance needed from assessors to ensure timely and accurate final numbers.

Although EQV has historically been a factor in a number of local aid calculations, its significance had decreased until Education Reform required its use. The October issue of *City & Town*, Vol.6, No.9 described the use of 1992 EQV in the calculation of the Gross Standard of Effort for education spending. EQV also plays a role in the allocation of Education Reform's Overburden Aid. As a result, local officials are now paying closer attention to this program than before Education Reform, although only Overburden Aid and **not** the Gross Standard of Effort will use the updated EQVs. In addition, new amounts of local aid being allocated through the Lottery formula are partly a function of EQV. Local aid programs using EQV are: Aid to Public Libraries, Municipal Stabilization Aid and Education Reform's Overburden Aid. Cherry Sheet charges using EQV are: the County Tax, Boston Metropolitan Transit District, Mosquito Control Projects and Air Pollution Control Districts. Further information is available in the Cherry Sheet Manual.

The 1994 EQVs will be submitted to the Legislature early in January of 1995. All FY95 programs that use EQVs will be based on the 1992 EQVs. The 1994 EQVs will be used for the first time for the FY96 Cherry Sheet and Education Reform's Overburden Aid.

The two major elements of the EQV process are the statistical analysis of the residential properties and the appraisal of selected

representative commercial and industrial properties (C&I). The appraisal of C&I properties has been underway for many months. It involves reviewing properties and C&I sales data bases. From this information, DLS will develop ratios that apply to individual communities. These ratios will be used to adjust commercial assessments to 100% of market value.

The residential analysis is dependent on the information provided by assessors. The sales reports requested should be carefully reviewed before submission to be sure they contain the appropriate information. The statistical analysis of these sales along with the information collected from the appraisals of C&I properties will produce a total EQV for each city and town.

Boards of Assessors can speed up completion of the EQV process significantly by supplying the data to DLS on computer disk. Instructions for the format and the varieties of software that can be used were included in the mailing requesting the sales reports. The format requested is the same as the certification year format. With local/state cooperation, the preliminary process will be completed in June and municipal officials will have the maximum amount of time to review, request explanations or have adjustments made in EQVs if needed. Cooperation is important because the law provides for a forfeiture of a community's appeal rights if it does not respond timely to the request for information. Some communities experienced problems in submitting the information and received extensions. In these cases it is even more important that the late data be received in a computerized format. For more information please contact Donna Demirai at 617-727-2300. ■

This information is an update of a *City & Town* article published in March, 1994, Vol.7 No. 3.

1994 EQV Calendar

February 7, 1994

Assessors submit Sales Reports for Calendar 1992

June 1, 1994

DLS mails proposed EQVs to cities & towns

June 10, 1994

DLS completes Public Hearings on proposed EQVs

July 20, 1994

DLS completes changes to EQVs and submits any revisions to cities and towns

August 10, 1994

Municipalities' deadline for appeal of EQV to Appellate Tax Board (ATB)

January 20, 1995

ATB completes decisions on EQV

January 31, 1995

DLS submits final EQVs to the Legislature

1994 Proposed EQV's By Municipality

ABINGTON	682,081,700	CHICOPEE	2,160,564,600	HANCOCK	93,344,300
ACTON	1,528,870,900	CHILMARK	758,897,000	HANOVER	913,231,000
ACUSHNET	423,557,300	CLARKSBURG	59,041,200	HANSON	476,331,800
ADAMS	312,832,500	CLINTON	513,556,500	HARDWICK	119,275,600
AGAWAM	1,381,567,500	COHASSET	794,154,300	HARVARD	473,968,200
ALFORD	87,429,000	COLRAIN	95,878,000	HARWICH	1,594,172,900
AMESBURY	795,974,500	CONCORD	1,932,707,300	HATFIELD	220,200,500
AMHERST	1,004,535,500	CONWAY	107,185,000	HAVERHILL	2,166,366,500
ANDOVER	2,768,496,400	CUMMINGTON	57,490,200	HAWLEY	22,235,900
ARLINGTON	2,863,233,300	DALTON	327,469,500	HEATH	36,740,700
ASHBURNHAM	260,954,600	DANVERS	2,175,871,300	HINGHAM	1,860,010,800
ASHBY	120,917,500	DARTMOUTH	1,895,576,400	HINSDALE	111,229,900
ASHFIELD	117,368,400	DEDHAM	1,727,789,100	HOLBROOK	532,684,100
ASHLAND	810,084,600	DEERFIELD	304,288,300	HOLDEN	847,932,700
ATHOL	358,000,300	DENNIS	2,161,970,500	HOLLAND	148,512,300
ATTLEBORO	1,672,054,900	DIGHTON	327,354,000	HOLLISTON	880,924,200
AUBURN	901,459,400	DOUGLAS	299,398,100	HOLYOKE	1,367,404,500
AVON	380,858,000	DOVER	793,873,900	HOPEDALE	270,944,200
AYER	480,484,300	DRACUT	1,204,854,600	HOPKINTON	879,596,200
BARNSTABLE	4,862,252,700	DUDLEY	402,048,900	HUBBARDSTON	157,967,600
BARRE	181,140,300	DUNSTABLE	178,742,800	HUDSON	951,995,700
BECKET	211,268,400	DUXBURY	1,247,372,200	HULL	627,832,400
BEDFORD	1,290,348,000	E BRIDGEWATER	604,048,500	HUNTINGTON	83,982,200
BELCHERTOWN	552,253,900	E BROOKFIELD	109,533,800	IPSWICH	915,366,100
BELLINGHAM	936,424,100	E LONGMEADOW	925,332,600	KINGSTON	634,163,900
BELMONT	2,180,316,200	EASTHAM	858,340,600	LAKEVILLE	585,063,900
BERKLEY	255,987,300	EASTHAMPTON	653,505,200	LANCASTER	303,150,100
BERLIN	164,355,500	EASTON	1,116,228,100	LANESBOROUGH	215,208,600
BERNARDSTON	110,922,300	EDGARTOWN	1,220,667,700	LAWRENCE	1,307,893,300
BEVERLY	2,303,580,100	EGREMONT	168,277,000	LEE	383,641,500
BILLERICA	2,130,881,500	ERVING	152,843,300	LEICESTER	411,993,300
BLACKSTONE	333,667,100	ESSEX	296,971,400	LENOX	452,899,700
BLANDFORD	78,769,800	EVERETT	2,170,870,800	LEOMINSTER	1,722,257,800
BOLTON	337,411,600	FAIRHAVEN	864,264,800	LEVERETT	111,203,100
BOSTON	28,809,163,300	FALL RIVER	2,706,530,500	LEXINGTON	3,264,267,100
BOURNE	1,392,113,500	FALMOUTH	3,568,190,000	LEYDEN	39,295,400
BOXBOROUGH	345,486,200	FITCHBURG	1,306,487,300	LINCOLN	761,707,900
BOXFORD	658,750,000	FLORIDA	52,326,300	LITTLETON	587,614,100
BOYLSTON	248,496,000	FOXBOROUGH	1,014,017,200	LONGMEADOW	1,171,068,600
BRAINTREE	2,354,448,700	FRAMINGHAM	3,591,217,600	LOWELL	3,129,034,600
BREWSTER	1,084,522,500	FRANKLIN	1,490,231,100	LUDLOW	904,965,600
BRIDGEWATER	924,173,700	FREETOWN	478,362,600	LUNENBURG	506,357,400
BRIMFIELD	160,854,000	GARDNER	654,110,600	LYNN	2,605,272,200
BROCKTON	3,024,641,300	GAY HEAD	170,576,900	LYNNFIELD	1,025,948,800
BROOKFIELD	116,852,700	GEORGETOWN	413,794,900	MALDEN	2,188,228,400
BROOKLINE	4,596,829,000	GILL	72,982,200	MANCHESTER	772,500,000
BUCKLAND	100,479,300	GLOUCESTER	2,060,720,100	MANSFIELD	1,211,500,300
BURLINGTON	2,008,142,100	GOSHEN	63,564,300	MARBLEHEAD	2,054,955,200
CAMBRIDGE	7,508,093,800	GOSNOLD	95,470,300	MARION	599,589,400
CANTON	1,663,611,800	GRAFTON	667,020,300	MARLBOROUGH	2,058,549,800
CARLISLE	509,544,900	GRANBY	289,511,000	MARSHFIELD	1,539,463,800
CARVER	466,232,100	GRANVILLE	92,016,200	MASHPEE	1,300,459,500
CHARLEMONT	67,130,900	GT BARRINGTON	539,210,200	MATTAPOISETT	659,999,700
CHARLTON	513,016,500	GREENFIELD	755,602,500	MAYNARD	579,441,500
CHATHAM	1,596,418,200	GROTON	545,985,400	MEDFIELD	861,078,800
CHELMSFORD	2,059,983,300	GROVELAND	292,646,100	MEDFORD	2,964,471,000
CHELSEA	926,579,400	HADLEY	342,926,900	MEDWAY	641,545,900
CHESHIRE	145,760,500	HALIFAX	298,977,200	MELROSE	1,585,245,900
CHESTER	72,463,600	HAMILTON	555,088,400	MENDON	270,754,400
CHESTERFIELD	68,401,800	HAMPDEN	270,374,200	MERRIMAC	253,164,300

1994 Proposed EQV's By Municipality

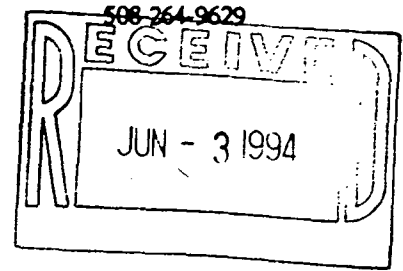
METHUEN	1,953,404,800	PRINCETON	214,289,900	TYNGSBOROUGH	498,531,800
MIDDLEBOROUGH	877,109,200	PROVINCETOWN	577,229,100	TYRINGHAM	83,567,200
MIDDLEFIELD	31,477,600	QUINCY	4,657,063,900	UPTON	343,818,200
MIDDLETON	504,661,500	RANDOLPH	1,497,149,000	UXBRIDGE	510,166,600
MILFORD	1,384,791,600	RAYNHAM	620,516,200	WAKEFIELD	1,600,144,400
MILLBURY	571,982,400	READING	1,516,902,900	WALES	76,676,500
MILLIS	447,399,900	REHOBOTH	585,912,000	WALPOLE	1,513,290,500
MILLVILLE	104,654,200	REVERE	1,818,540,900	WALTHAM	3,698,243,600
MILTON	1,750,080,100	RICHMOND	172,620,500	WARE	401,384,100
MONROE	17,738,200	ROCHESTER	283,242,600	WAREHAM	1,303,178,100
MONSON	374,923,300	ROCKLAND	806,747,400	WARREN	189,117,000
MONTAGUE	400,883,500	ROCKPORT	706,616,800	WARWICK	40,766,600
MONTEREY	164,950,700	ROWE	153,754,000	WASHINGTON	37,152,400
MONTGOMERY	51,680,100	ROWLEY	309,798,000	WATERTOWN	2,215,968,600
MT WASHINGTON	33,738,900	ROYALSTON	64,069,500	WAYLAND	1,339,159,800
NAHANT	300,389,700	RUSSELL	76,579,400	WEBSTER	713,572,300
NANTUCKET	3,160,414,500	RUTLAND	232,093,000	WELLESLEY	3,290,812,000
NATICK	2,343,002,900	SALEM	2,123,612,200	WELLFLEET	682,535,200
NEEDHAM	2,946,353,800	SALISBURY	532,971,500	WENDELL	42,385,900
NEW ASHFORD	18,730,400	SANDISFIELD	123,367,000	WENHAM	333,360,600
NEW BEDFORD	2,992,036,900	SANDWICH	1,431,722,700	W BOYLSTON	408,661,000
NEW BRAINTREE	47,435,200	SAUGUS	1,703,547,700	W BRIDGEWATER	490,360,600
NEW MARLBORO	228,485,800	SAVOY	31,434,700	W BROOKFIELD	192,683,500
NEW SALEM	49,884,400	SCITUATE	1,392,660,700	W NEWBURY	291,494,300
NEWBURY	457,682,900	SEEKONK	1,020,718,500	W SPRINGFIELD	1,573,008,700
NEWBURYPORT	1,119,168,700	SHARON	1,158,724,000	W STOCKBRIDGE	154,974,500
NEWTON	8,297,551,600	SHEFFIELD	275,193,200	W TISBURY	533,167,000
NORFOLK	550,669,000	SHELBURNE	115,395,700	WESTBOROUGH	1,301,447,700
N ADAMS	436,121,200	SHERBORN	534,382,000	WESTFIELD	1,676,364,100
N ANDOVER	1,704,604,500	SHIRLEY	239,124,300	WESTFORD	1,309,240,600
N ATTLEBOROUGH	1,344,449,700	SHREWSBURY	1,685,413,700	WESTHAMPTON	81,596,500
N BROOKFIELD	197,378,600	SHUTESBURY	104,988,000	WESTMINSTER	410,145,500
N READING	917,269,800	SOMERSET	1,396,691,100	WESTON	1,724,856,300
NORTHAMPTON	1,502,892,300	SOMERVILLE	2,861,071,900	WESTPORT	1,129,713,800
NORTHBOROUGH	880,892,200	SOUTH HADLEY	788,583,700	WESTWOOD	1,380,197,300
NORTHBRIDGE	511,005,500	SOUTHAMPTON	255,465,400	WEYMOUTH	2,714,272,000
NORTHFIELD	156,824,800	SOUTHBOROUGH	711,285,800	WHATELY	112,194,000
NORTON	744,368,300	SOUTHBRIDGE	576,325,500	WHITMAN	545,036,700
NORWELL	892,735,800	SOUTHWICK	410,202,100	WILBRAHAM	856,051,700
NORWOOD	2,210,801,400	SPENCER	476,464,200	WILLIAMSBURG	141,089,000
OAK BLUFFS	667,660,900	SPRINGFIELD	4,646,350,600	WILLIAMSTOWN	492,895,400
OAKHAM	88,036,200	STERLING	429,355,100	WILMINGTON	1,528,592,600
ORANGE	240,801,700	STOCKBRIDGE	367,880,300	WINCHENDON	329,145,200
ORLEANS	1,153,973,200	STONEHAM	1,356,326,100	WINCHESTER	2,051,690,900
OTIS	276,463,600	STOUGHTON	1,398,036,600	WINDSOR	55,638,400
OXFORD	523,552,500	STOW	419,215,100	WINTHROP	851,932,400
PALMER	563,517,400	STURBRIDGE	497,272,400	WOBURN	2,771,324,800
PAXTON	245,249,500	SUDBURY	1,591,078,000	WORCESTER	5,735,980,700
PEABODY	2,869,997,300	SUNDERLAND	160,706,500	WORTHINGTON	81,211,600
PELHAM	71,565,500	SUTTON	419,258,300	WRENTHAM	576,659,600
PEMBROKE	910,901,500	SWAMPSCOTT	1,100,824,800	YARMOUTH	2,259,700,600
PEPPERELL	504,313,500	SWANSEA	886,407,100		
PERU	36,029,000	TAUNTON	2,003,959,200	State Total	350,369,939,500
PETERSHAM	86,942,400	TEMPLETON	245,955,700		
PHILLIPSTON	84,292,700	TEWKSBURY	1,716,897,900		
PITTSFIELD	2,006,290,800	TISBURY	657,056,800		
PLAINFIELD	51,684,300	TOLLAND	103,229,300		
PLAINVILLE	411,705,700	TOPSFIELD	497,433,100		
PLYMOUTH	3,280,010,800	TOWNSEND	394,343,200		
PLYMPTON	156,801,900	TRURO	583,947,600		

CC: BOS- FYI

Municipal Properties Department

Town of Acton

472 Main Street, Acton, Massachusetts, 01720



June 2, 1994

Ms. Pat Sawyer
127 Concord Road
Acton, Ma., 01720

Dear Ms. Sawyer,

I wanted to write to you to update you on the progress of plans for the Ice House Pond dredging, the reconstruction of the bridge, and the possible Flood Hazard Mitigation work.

As you know, the Highway Department foreman visited the dam yesterday, and was able to get the gate valve working so that the pond can be drawn down, and we can lower the water level whenever you approve. The bridge reconstruction will occur in July and August of this year, so we would like to drain the pond as soon as possible to let it get really dry prior to commencing work. During the reconstruction of the bridge, the Highway Department will excavate as much excess silt from the upper holding pond on your side of the road as possible, using a backhoe or grade-all that will be parked on Concord Road or Horseshoe Drive. To facilitate the silt removal, we will take down the large Pine located on the road shoulder at the intersection of Concord Road and Horseshoe Drive. All due care will be taken to assure that the retaining walls are not undermined, and we will need to have you sign the enclosed "Right of Entry" form authorizing this work prior to the holding pond dredging.

The actual dredging of Ice House Pond, which was approved at the 1994 Annual Town Meeting, is now scheduled for the Summer of 1995, due to the fact that the Highway Department will be tied up for the summer of 1994 rebuilding the bridge and performing some paving projects. Ideally, we will leave the pond dry for the winter so that the silt will freeze and kill off the roots of the pond vegetation prior to dredging.

I have held off writing this letter for as long as possible, in the hope that I will have some progress on the FEMA grant to report to you. Unfortunately, my most recent contact with the Federal authorities two weeks ago revealed that the grant application for Flood Hazard Mitigation at Ice House Pond has not even been forwarded from the regional office to Washington, and I cannot even guess how long the rest of the grant process will take or what our chances of funding are. If we get approval of the federal grant, we will begin negotiations with you about possible repair and a long term operating agreement of the dam, but it is really premature at this time to get deeply involved in plans that, for financial reasons, may never come to fruition.

I hope that his letter outlines your understanding of the discussion we had a few weeks ago at your house, and I hope that we can plan on proceeding with work early this summer. Please contact me at your earliest convenience with any questions or comments you might have.

Sincerely,



Dean A. Charter
Municipal Properties Director

ENCL. Right of Entry form

CC.:

Don P. Johnson
David Abbt
Richard Howe

DAC/412/5

BOARD OF SELECTMEN

RIGHT OF ENTRY

Project: Concord Road Bridge Reconstruction

Owner: Patricia F. Sawyer

Deed Reference: Book L.C. 1103, Page 58

Permission is hereby given to the Town of Acton or its duly authorized agents to enter upon my property located at 127 Concord Road in connection with the reconstruction of a bridge as shown on plans prepared by Vanasse Hangen Brustlin, Inc. entitled "Proposed Bridge Replacement Acton, Concord Road over Nashoba Brook", dated November 19, 1993, and on file with the Acton Engineering Department as plan #4157. The proposed work on my property is outlined below:

1. Make minor repairs to the low water outlet in the dam and open this outlet prior to and during the term of construction. The low water outlet is to be left in good working order after the conclusion of construction work.
2. An eighteen inch diameter White Pine, located on Town land near the intersection of Horseshoe Drive and Concord Road will be removed to facilitate access to the "Upper Holding Basin".
3. Small brush and low limbs on both Town and private property will be removed to facilitate access to the "Upper Holding Basin".
4. Remove, as much as reasonably possible, the accumulated silt from the "Upper Holding Basin" near the intersection of Concord Road and Horseshoe Drive.
5. Any disturbed areas of the yard will be loamed and seeded and/or returned to substantially their original condition.
6. The Town will use reasonable care when working in the vicinity of the existing dam and retaining walls, but assumes no liability for damages resulting from their fragile condition due to age.

I further understand that all cost of such work will be incurred by the Town of Acton or its duly authorized agents.

Signature of Owner: _____

Date: _____

Accepted for the Town of Acton by:

Don P. Johnson, Town Manager

Date: _____

CC: BOS- FYI

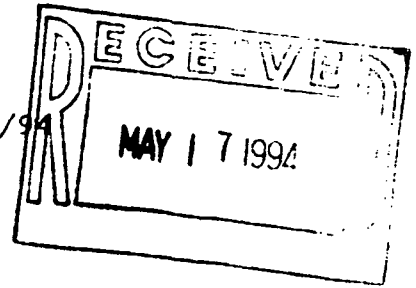
INTERDEPARTMENTAL COMMUNICATION

DATE: 5/13/94

TO: Don Johnson, Town Manager

FROM: Wanda Null, Library Director

SUBJECT: Parking in Town Hall/Library lots



FYI: At the Trustees' meeting on Monday May 9 there was considerable discussion about the parking problems in the upper and lower lots behind Town Hall. Patrons are complaining to staff and Trustees about the lack of parking spaces in both lots, and there has been an increased number of cars parked along Wood Lane since the playground has become active. Safety is also a concern because of the many small children running through the parking lots.

WANDA-

5/18

WHAT DO YOU OR THE TRUSTEES RECOMMEND?

Don

- 1) Create a limited number of spaces on the south side of Wood Lane, between the first house and Main Street (where people are currently parking anyway).
- 2) Plan a parking garage under the proposed library addition
- 3) Purchase Vallincourt property for parking. Create a tree buffer zone between Wood Lane and parking to protect neighbors.
- 4) add parking to rear of library, between a ~~possible~~ possible addition and the septic system--Dean thought it might be feasible.

Obviously we'll share these ideas with whoever designs expansion for the library.

Wanda Null

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

cc: BOS - FYI

TO: Chief George W. Robinson
FROM: Det. Todd D. Fenniman
SUBJ: DARE Graduation at The Statehouse

DATE: June 2, 1994

**Town Manager
Information**

On June 1, 1994, I attended a ceremonial DARE graduation at the Statehouse on Beacon Hill. This is an annual event where each DARE officer in the Commonwealth is invited along with one DARE graduate to participate. I was accompanied by Emory Smith, a sixth grade student from the Gates School.

Upon our arrival we were greeted by State Representative Pam Resor who gave us a brief tour of the Statehouse. A graduation ceremony was held in the Great Hall with Governor Weld, Lieutenant Governor Paul Celluci, and Secretary of Public Safety Thomas Rapone speaking. Diplomas were given to the students and DARE officers by Governor Weld followed by citations from the House of Representatives. Emory Smith received his citation from Rep. Resor and an official photograph was taken of Emory, Rep. Resor, and I.

It was a great day for Emory and myself and a perfect end to this year's DARE program. Rep. Resor said she would send us a copy of the official photo when it is available.

Graduates of DARE program honored

By JASON B. JOHNSON

One hundred and fifty students from across the state gathered at the State House yesterday, celebrating their graduation from a program where the subject was saying "no" to drugs and gangs.

Gov. William F. Weld and others praised the students who participated in the Drug Abuse Resistance Education program.

"In the end you will be a better person for standing up for yourself," Weld told the gathering. "It's not easy, but fighting peer pressure is something you must do."

It was the third year in a row that youths have been recognized for taking part in the anti-drug and anti-violence program.

"I thought it was boring at first," said 13-year-old Samel Matos of the South End, holding his graduation certificate. "Then I started getting interested in what was going on."

The 17-week DARE program matches police officers in more than 280 communities with kids who are taught techniques for preventing violence, making decisions and resisting drugs.

"The thing we've seen is the attitudes of individuals change," said Scituate police officer Dominic D'Arcangelo, who took 350 youths to last night's Red Sox game.

WILSON, ORCUTT, COTTER & GREENBERG, P.C.

COUNSELLORS AT LAW

201 GREAT ROAD
ACTON, MASSACHUSETTS 01720

PHILIP A. WILSON (1938-1967)
CHARLES E. ORCUTT, JR.
RICHARD M. COTTER
DANIEL B. GREENBERG

JOHN R. McNAMARA
MARY BASSETT-STANFORD

OF COUNSEL
HOWARD I. GOLDSTEIN

(508) 264-4770
(617) 890-2239
TELECOPIER
(508) 263-7142

June 2, 1994

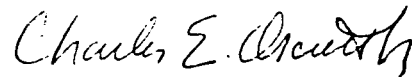
Norman Lake, Chairman
Board of Selectmen
472 Main Street
Town Hall
Acton, MA 01720

Re: Water Supply District of Acton

Dear Mr. Lake:

I enclose a copy of the legal notice required to be published in a local newspaper of general circulation and sent to the Board of Selectmen. In order to complete the land exchange by and between Brewster Conant and the District, the Secretary of State has ordered compliance with Chapter 3, Section 5 of the General Laws.


Very truly yours,



Charles E. Orcutt, Jr.

CEO:m
encls.

cc: Don Johnson, Town Manager
Town Hall
472 Main Street
Acton, MA 01720



cc: BOS

Certified Mail/rrr

LEGAL NOTICE

By Ms. Resor of Acton, Petition (subject to Joint Rules 12 and 9) of Pamela Resor and Robert A. Durand relative to conveyance and exchange of land by and between the Water Supply District of Acton and Brewster Conant.

There has been submitted for enactment by the Senate and House of Representatives in the General Court the following:

"AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN LAND BY THE WATER SUPPLY DISTRICT OF ACTON:

Section One: Notwithstanding the provisions of chapter thirty B of the General Laws, or of any other general or special law to the contrary, the Water Supply District of Acton, acting by and through its board of water commissioners, is hereby authorized to convey to Brewster Conant the fee in a certain parcel of vacant land containing about 2.4 acres, more or less, and being a portion of land described in Order of Taking dated January 16, 1974, filed with Middlesex South District Deeds, Book 12582, Page 076, and located on Nagog Hill Road. Said conveyance shall include a perpetual deed restriction and the land conveyed may not be improved with a dwelling or other building thereon but may be used for roadway and utilities serving Parcel 24 containing fifty-four acres, as shown on a plan recorded in Middlesex South District Deeds as Plan No. 1083 of 1993. Reserving to the District a perpetual easement for the existing sixteen (16) inch water main from the storage tank to Nagog Hill Road; and further reserving also a temporary right of way currently in use by the District and located on, over and within the above described premises to be conveyed by the District.

Section Two: In consideration of the conveyance in section one, Brewster Conant shall convey to the Water Supply District of Acton and the Water Supply District of Acton is hereby authorized to accept the fee in a parcel of land containing about 24.1 acres, more or less, located in Acton, and being a portion of land described in a deed to said Brewster Conant on file with the Middlesex South District Registry of Deeds, Book 13793, Page 584, and located off Brook Street; and containing a major water supply source developed by the Water Supply District of Acton and shall be used for municipal water supply purposes.



PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636

cc: BOS

RECEIVED & FILED

DATE June 7, 1994 9:00 A.M.

Daryl Powell
for TOWN CLERK, ACTON

ACTON PLANNING BOARD

Minutes of Meeting

February 28, 1994

Planning Board members in attendance were: William Shupert, III, Vice Chairman; Douglas Carnahan; Gregory Niemyski; John Pavan; James Lee; Mary Giorgio and Associate Members Joshua Chernin and Richard Croswell. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended. Member David Hill was not in attendance.

I Consent Agenda

- A. Minutes of the 2/14/94 meeting were not available for approval. They will be placed on the next agenda.
- B. Mill Corner Amendment - This item was removed from the Consent Agenda. Mr. Pavan asked for verification that the Board was being asked to address just 2 units (#20 & #21). Mr. Pavan requested that the Fire Department be asked to review this issue because of the possibility that allowing the buildings to be closer than 20' may cause difficulties for fire-fighting and other public safety operations. Mr. Niemyski said that the Board should deal with only one issue (proximity of these two units) and put the issue of other units, also mentioned by staff, on a subsequent agenda after receipt of a letter from the developer. Mr. Bartl explained that the 20' building separation requirement in the PCRC development option is designed to provide separation of bulk/massing for design reasons rather than for public safety purposes.

The Board asked staff to send a letter to Mr. Sweeney stating that they want to investigate additional concerns that will need resolution before further work. They also wanted to advise Mr. Sweeney that they will be seeking input from the Fire Chief. Mr. Pavan asked whether a precedent would be established if the Board grants this request. Mr. Bartl replied that the Board's decision could be worded so as not to establish a precedent. He also explained that the PCRC really provides design guidelines for the project development. Mr. Chernin stated that the flexibility should be used up front in the design stage rather than during the construction stage.

Mr. Niemyski moved that the Board voted to allow the reduced separation for these two units only based on Section 9.8 of the Zoning Bylaw. Mr. Pavan seconded the motion which passed by unanimous vote.

II Public Hearing on Proposed Zoning Bylaw Amendments

Mr. Shupert opened the hearing and read the notice as published in the Beacon.

Child Care Facilities - no comments from the public. Mr. Bartl pointed out that the 1000 sq. ft. limitation will preserve the original intent of the bylaw.

Public Use of Land - Mr. Moe Carron from the Concord Water Department spoke about the Town of Concord's intent to construct a disinfection facility on residentially zoned property in Acton near Nagog Pond. Mr. Bartl explained the various methods of addressing this issue that were proposed by Town Counsel.

Mr. Shupert moved that the Board vote to close the public hearing. Mr. Pavan seconded the motion which passed by unanimous vote.

III Public Hearing Continuation, Washington Dr. Ext. Definitive Subdivision

Mr. Shupert reconvened the public hearing. Mr. Niemyski asked if the applicant would consider withdrawing the previous plan. Mrs. Jacobs explained that withdrawal is not necessary because much of the original submission has remained intact and that each subsequent revision has been identified by a revision date.

Mr. Lorraine of LandTech Consultants, engineering consultant to the applicant, presented the history of the plan revisions and described the latest proposal. Mr. Lorraine informed the Board that the Conservation Commission does not feel that the wetlands crossing is necessary. Mr. Lorraine presented a new Plan & Profile of Newtown Road showing the changes requested by the Engineering Department (fill in the sag). Mr. Lorraine stated that the developer intends to extend the sidewalk on Newtown Rd. and will extend the water main so that it connects with the main on Washington Drive.

An abutter expressed concern that the emergency access roadway could be changed to a full roadway at a later date. Mr. Shupert responded that the Town has no history of trying to convert such an emergency access. Mr. Lee stated that in this instance he believes that the turns are too tight to ever be used as a public way.

Mr. Peter Shanahan of the Conservation Commission informed the Board that the Conservation Commission is split on this issue and is waiting for a response from the Fire Chief which they hope to receive by the continuation of their public hearing on Wednesday, March 2nd.

Mr. Pavan stated that the emergency access road is fixing a past mistake of allowing Washington Drive to be constructed as an overly long dead end road. He said that the Board would not approve a dead end road of that length without a second access or an emergency access due to public safety concerns. Mr. Pavan also stated that the question of how much the emergency access road will be used is not appropriate.

Mr. Niemyski asked if there has been a response to the 2/4/94 memo from the Conservation Commission. Mr. Bartl explained that it is really an issue for the Fire Chief. Mrs. Jacobs advised the Board that she spoke to the Fire Chief and

that he intends to respond to the memo, but that he just received the revised plan on Friday. Mrs. Jacobs advised the Fire Chief that the Planning Board would be continuing the public hearing again to allow time for staff to review the latest plan revisions.

Mr. Crosswell pointed out that the driveway should be widened or separated from the emergency access road to prevent possible blockage by a car associated with the house on the adjacent lot. He also suggested that the developer consider a berm or guard rail at the T- turnaround due to the drop in grade at the end of the T.

Mr. Chernin asked for verification that the emergency access drive will be gated. Mr. Lorraine responded that it would have gates at both ends and that keys would be provided to the public safety departments.

Mr. Bartl also expressed concerns about the joint driveway/emergency access road. He advised the Board that the private driveway must be separated from the emergency access road. Mr. Bartl stated that the Board should provide some direction on the issue of the superfluous pavement on the Washington Drive cul-de-sac.

Mr. Pavan suggested that removal of the pavement would force people to use the T-turnaround. Mr. Lee stated that it should be left in because residents use it as a recreational area. Mr. Shupert advised the developer that the consensus of the Board is to remove the pavement, but not abandon the layout.

It was moved and voted to continue the public hearing until 3/14/94 at 8:30 PM.

IV Public Hearing Continuation, McGovern Estates

Mr. Shupert reconvened the public hearing and allowed a presentation from Mr. Chris Lorraine of LandTech Consultants, Inc, consulting engineer to the applicant, and Mr. Peter Kavanagh of Kavanagh Homes. Mr. Lorraine explained that the T-turnaround doesn't meet the current standards established in the newly revised Subdivision Rules and Regulations, but that the subdivision is governed by the previous set of regulations. He also stated that the comments submitted by the Engineering Department have been addressed with the exception of the T-turnaround which can be resolved.

Mr. Keith Gregory, abutter, asked about the proximity of the road to wetlands and suggested that if the roadway were pulled back no wetlands waivers would be needed. Mr. Gregory also questioned the size of the overall development, Meadowview plus McGovern. Mr. Gregory said that there were 44 homes before Meadowview was constructed and that 20+ have been added with Meadowview. The current proposal is to allow another 4 homes to be built on a single access road. He questioned when it became too many homes for a single access roadway. Mr. Gregory reminded the Board that the State law provides for waivers only when it benefits the Town and is in the public interest.

Mr. Niemyski stated that the Board cannot tell the developer that he can't build anything, and questioned what number of homes is acceptable. Mr. Gregory responded that the Board should allow the developer to build as many

homes as are allowed under the Rules and Regulations, but not one more.

Mr. Lorraine reminded the Board that the Preliminary Plan was for a seven lot subdivision and that the developer has reduced the number of lots to four under the Definitive Plan. Mr. Pavan questioned whether the developer has given up the possibility of developing the rear land. Mr. Lorraine replied that they can't legally develop the rear land because of the configuration of the lots in the McGovern Estates subdivision.

Mr. Carnahan questioned whether the developer has any problem with granting a trail easement to adjacent Conservation land. Mr. Lorraine replied that it wouldn't be a problem, and that they will grant an easement between the drainage structure and the wetlands.

Mr. Carnahan expressed concerns about additional development off of Robbins Street and inquired about possible improvements to Robbins Street. Mr. Lorraine replied that the layout of Robbins St. is narrow and that easements and/or takings would be required. Mr. Lorraine suggested that the developer will build/donate 500 linear feet of sidewalk in another location in Town.

Mr. Carnahan asked whether they could take the peak off of Robbins Street. Mr. Lorraine responded that the takings/easements would still be required because of the road layout. Mr. Niemyski suggested that the developer work with the Acton Water District because they are planning to replace the water main on Robbins Street.

Mr. Pavan reminded the Board that Robbins Street is a very narrow road and that the Preliminary approval required off-site safety improvements. Mr. Bartl stated that the obvious improvements would be installing sidewalks or reducing the peak of the road.

Mr. Lee said that he agrees with the concerns expressed by the Board and stated that constructing sidewalks somewhere else in Acton won't fix the problems on Robbins Street. He also inquired whether anyone had approached the neighbors. Mr. Gregory stated that he was not authorized to speak for the neighborhood, but that they would probably have mixed feelings about safety improvements to Robbins Street.

Mr. Shupert moved that the Board vote to close the public hearing. His motion was seconded by Mr. Niemyski and passed by unanimous vote.

V MacGregor Lane Preliminary Subdivision

Mr. Shupert opened the public meeting. Mr. Bruce Stamski of Stamski & McNary, Inc. and Mr. James Fenton of Distinctive Acton Homes presented the Preliminary Plan for a 3 lot Residential Compound located on Piper Road. Mr. Stamski asked the Board whether it would be possible to provide access for the 2 existing houses at 45 & 47 Piper Road off of the common driveway rather than leave them at the curve on Piper Road. He advised the Board that the proposed common driveway has sufficient sight distance for a 40 MPH speed limit and the posted speed is only 25 MPH.

Mr. Crosswell said that the utility lines and septic pipes for Lot 1 will have to be located in a utility easement on the Definitive Plan. Mr. Pavan stated that Lot

1B is essential to Lot 1A and will need a deed restriction to prevent their separation.

Mr. Bartl informed the Board that the length of the road is approximately 520' and asked whether this presents a problem. Board members felt that the extra 20' is probably necessary due to site constraints, but asked Mr. Stamski to look into this issue when he designs the Definitive Plan.

An abutter asked what the maximum number of houses could be. Mr. Stamski replied that extensive testing of the site was performed and that sufficient septic area was found for only 3 houses. Another abutter pointed out the wetlands on each side of the site and cautioned against extensive tree removal which may impact these wetland areas. Mr. Stamski stated that the construction is proposed for the flat part of the parcel at the top of the hill and that there shouldn't be any need for tree removal adjacent to the wetlands other than what is shown on the plan.

Mr. Pavan moved that the Board vote to issue the decision approving the Preliminary Plan as drafted with one minor clarification. His motion was seconded by Mr. Niemyski and passed by unanimous vote.

VI Perkins Lane Preliminary Subdivision

Mr. Shupert opened the public meeting. Mr. Bruce Stamski of Stamski & McNary, Inc. and Mr. James Fenton of Distinctive Acton Homes presented the Preliminary Plan for a 4 lot subdivision located on Arlington Street. Mr. Stamski explained that the applicant is seeking a waiver from the grading off requirements to avoid wetlands filling. He proposes that the grades be stabilized with boulders.

Mr. Niemyski asked about the construction of sidewalks. Mr. Stamski replied that he has spoken with staff about providing additional sidewalk along Arlington St. rather than in the subdivision. Mr. Fenton explained that he would like to negotiate the sidewalk issue with the Board because the sidewalk construction cost per foot along Arlington St. will be considerably higher than the cost of constructing sidewalks along the subdivision roadway. The Board indicated they were willing to consider alternatives.

A couple of abutters asked about various setbacks of proposed houses to the lot line. Another abutter inquired whether the road will be public or private. Mr. Shupert responded that this question is decided on a case by case basis, but generally if roads are constructed to common driveway standards they remain private roads.

Mr. Stamski pointed out that the application had an error in the size of the parcel. It should read 7.6 acres. Mr. Lee moved that the Board vote to approve the Preliminary Plan as drafted with the correction in parcel size. His motion was seconded by Mrs. Giorgio and passed by unanimous vote.

VII Village Planning Update

Mr. Shupert announced that the final version of the West Acton Village Plan will be included in the Planning Board's packages for the next meeting.

VIII Public Hearing Continuation. Zoning Bylaw Amendments

Mr. Shupert reconvened the public hearing on the proposed amendments to the Acton Zoning Bylaw. He stated that the purpose of the continuation was to allow final staff comments on Article B.

Mr. Roy Smith of Acton Technology Park stated that he would like this article pulled or a provision added to protect projects that are already in the pipe line from having to comply with this change. Mr. Smith said that the change was helpful, but that he felt it wouldn't hurt anybody to have the change wait until further review of the implications can be completed.


Mr. Niemyski asked about grandfather protection. Mr. Bartl explained that the grandfather protection for Mr. Smith's subdivision expired about 1.5 years ago. Mr. Bartl went on to explain that the amendment will close a loop hole in the Bylaw that was discovered when this site plan was reviewed.

Board members agreed to exempt projects for which preliminary site plans and/or building permits have been filed until June 1, 1994.

Mr. Shupert moved that the Board vote to close the public hearing; to recommend adoption of all of the zoning articles except the citizen's petition; and to make no recommendation on the citizen's petition. His motion was seconded by Mr. Carnahan and passed by unanimous vote.

The meeting adjourned at 11:00 PM.

Respectfully submitted,



John Pavan, Clerk

dw11.211



cc: BOS

PLANNING BOARD • Town of Acton

472 MAIN STREET ACTON, MASSACHUSETTS 01720 TELEPHONE (508) 264-9636



ACTON PLANNING BOARD

Minutes of Meeting

March 14, 1994

RECEIVED & FILED

DATE June 7, 1994 9:00 A.M.

Barry Powell
for TOWN CLERK, ACTON

Planning Board members in attendance were: David Hill, Chairman; William Shupert, III, Vice Chairman; Douglas Carnahan; Gregory Niemyski; John Pavan; Mary Giorgio and Associate Members Joshua Chernin and Richard Croswell. Planning Board member James Lee was not in attendance. Town Planner Roland Bartl and Assistant Planner Donna Jacobs also attended.

I Consent Agenda

A. Minutes of the 2/14/94 meeting were approved with minor amendments.

II Discussion. Meeting with Selectmen on 3/15/94

Members agreed that the topics likely to be discussed were the Article for Associate Members for the Planning Board, the size of the Planning Board membership, and the citizens petition.

Citizen Petition: Mr. Shupert advised the Board that he thinks the petitioner may be looking to expand rather than relocate. Mr. Carnahan reminded the Board that the Acton Master Plan states that additional automobile dealers are not wanted on Route 2A and that this use is close enough to automobile dealer to be considered the same. Mr. Shupert said that the East Acton Village Plan should be completed prior to any rezoning in the district.

Mr. Bartl advised the Board that the citizen's petition could be considered "spot zoning" because it proposes a rezoning for the benefit of a single entity.

Mr. Niemyski moved that the Board vote not to recommend adoption of the article placed on the warrant by citizen's petition. Mrs. Giorgio seconded his motion which passed by unanimous vote.

III Mill Corner

A. Affordable Housing Units vs. Contribution for Sewage Treatment -

Mr. Bartl reported that the last 4 units at Mill Corner are under agreement and that Mr. Sweeney intends to give money to the Town for a sewage treatment facility.

B. Setback issues; chimneys, decks - separation of buildings

Mr. Bartl informed the Board that he has spoken with the Fire Chief who reports that there are no problems with the specifics mentioned in the memo. Mr. Shupert said the Board should look at the future; the PCRC approval process has been a learning curve. However, now that the Board has more experience with PCRCs, he feels the Board should be clear in its requirements for separation of buildings.

Mr. Pavan asked whether there were just these three conditions or would more be coming in the future. Mr. Bartl replied that he asked the developer to list all issues; that he didn't want to receive them in bits and pieces. Mr. Niemyski said that the Board should allow the bulkheads and chimneys in this development, but that decks should be held to the 20' building separation requirement. Mr. Crowell added that decks can be enclosed by a subsequent owner with no review by the Planning Board.

Mr. Niemyski moved that the Board vote to amend the decision for these specific units and site Section 9.6.2.2 as the rationale. Mr. Shupert seconded the motion which passed by unanimous vote.

IV Appointment - ACHC: Adams Village

Attorney Steven Graham made a presentation to the Board of the proposed affordable housing development known as Adams Village on behalf of the Acton Community Housing Corporation; several other members of the ACHC were also in attendance. Mr. Graham explained that the ACHC originally started with an ANR plan using 10 acres of Town land in the Affordable Housing Overlay District to produce 10 lots. The revised plan shows 8 units on 4 acres with a 1.5 acres buffer surrounding the site.

Mr. Graham explained that the process involves Town Meeting approval of the set-aside of the land for affordable housing. Once approved, the Board of Selectmen would issue an RFP hopefully with the conditions put forth in the current proposal: construction of affordable housing units; profits reinvested back into the Town for more affordable units; and deed restrictions on resale. Mr. Graham informed the Board that they have done a project proforma to show that the project should be profitable. Mr. Graham stated that the ACHC would like the support of the members as individuals as well as the support of the Planning Board for the development proposal.

Mr. Pavan asked for clarification of the ACHC's role in the development because he believes there is a need to tie the project to the land before issuing an RFP. Mr. Graham replied that the RFP will be very specific as to # of units, # of bedrooms, price of Units, reimbursement to the Town for legal costs incurred in reviewing/writing the RFP, etc.

Members suggested that the ACHC include the base zoning district information and how much build-out could occur on the parcel in the Affordable Housing Overlay District because the project could be far more dense than what has been proposed.

Mrs. Tavernier advised the Board that the ACHC has uncovered a backlash against residential development that is growing stronger. She feels that this development proposal is the only opportunity people have to say "no" to new

residential development. She also pointed out that the decision with regard to the number of units in the development rests with the Planning Board because the parcel is eligible for both a major and minor affordable housing development.

Mr. Carnahan asked whether the buffer area is well forested. Mr. Graham replied that it is fairly well covered, but that there is a knoll there which prevents any direct view and may prevent the odors. Mr. Graham advised the Board that the ACHC has hired an environmental consultant that will provide answers on the air flow and odor issues raised by the neighborhood. Mr. Carnahan also questioned whether anyone has suggested the need for a traffic study.

Mr. Shupert moved that the Board support the Article on the Warrant. Mr. Carnahan seconded the motion which passed by unanimous vote.

V Public Hearing Continuation. Washington Drive Ext. Definitive Subdivision

Mr. Shupert reconvened the public hearing. Mr. Chris Lorraine of LandTech, consulting engineer for the applicant and Mr. Mark White and Mr. Peter Kavanagh of Kavanagh Homes met with the Board. Mr. Lorraine informed the Board that they have resolved all of the outstanding issues except for the modification of the profile of Newtown Road. Mr. Lorraine said that the remaining comments from the Engineering Department can be addressed as conditions.

Mr. Lorraine stated that the developer has agreed to extend the water main, construct sidewalk along Newtown Road to where it will meet the existing sidewalk, and construct the emergency access road. Mr. Lorraine stated that his client has not agreed to complete the improvements to Newtown Road.

Mr. Pavan inquired about the waivers being sought by the applicant. Mr. Lorraine replied that they are seeking the following waivers: waiver of cul-de-sac, waiver from the requirement to construct the full length of Washington Drive at subdivision road width, waiver from the limit of the number of driveways on a cul-de-sac and a waiver for construction of the sidewalk along Washington Drive.

Mr. White suggested that the Board may want to consider a landscaped island on the Washington Drive cul-de-sac rather than the current expanse of pavement.

Mr. Shupert said that it was his understanding that the developer would either complete or contribute heavily to the improvements in Newtown Road. Mr. Lorraine stated that the applicant agreed to do the study, but not to complete the improvements.

Mr. Hill said that he would consider a waiver to allow a T-turnaround and no sidewalks on McKinley to offset the needed improvements on Newtown Road. Mr. Bartl pointed out that sight distance at the intersection of McKinley Drive and Newtown Road will not be adequate unless the improvements are made.

Mr. Bartl asked the Board to provide some guidance on the issue of the surplus cul-de-sac on Washington Drive. Mr. Carnahan said that it should be left as is.

Mrs. Giorgio, Mr. Pavan and Mr. Shupert concurred.

Mr. Niemyski moved that the Board vote to close the public hearing. Mr. Shupert seconded the motion which passed by unanimous vote.

VI McGovern Estates - Vote on Decision

Mr. Shupert stated that the draft decision addresses his concerns about the SU-30 vehicles. Mr. Carnahan asked what would happen if both options are cost-prohibitive. Mr. Bartl explained that applicant could use Option 3 in that event.

Mr. Pavan asked about additional development potential for all land accessed by Robbins Street. Mr. Bartl replied that there may be some in-fill by one or more ANR lots, but that there will not be another subdivision due to development constraints.

Mr. Pavan stated that the safety and adequacy of the access is his single concern. He believes that Option #3 is not an Option because it doesn't improve safety or adequacy of access. Mr. Pavan stated that it's his opinion that neither Option #1 or Option #2 will provide safe and adequate access.

Mrs. Giorgio pointed out that the applicant has reduced the number of lots. Mr. Carnahan stated that many of these issues were raised in the Meadowview approval process. Mr. Niemyski said that the options should be prioritized and that Option #2 should be re-numbered as Option #1. He believes that road improvement is the preferred choice and asked that it be coordinated with the Acton Water District's plans to replace the water main.

Mr. Pavan said that a statement should be added that requires the developer to exhaust all reasonable efforts for roadway improvement before substituting either of the other options is authorized.

Mr. Shupert moved that the Board vote to issue the decision approving the subdivision as modified. His motion was seconded by Mr. Niemyski and passed by a vote of 4/1. Mr. Pavan cast the dissenting vote.

VII Vote on Adoption of West Acton Village Plan

Mr. Niemyski moved that the Board vote to accept the findings as stated in the West Acton Village Plan and to bring forward its recommendations for the proposed zoning changes.

VIII Comments for Representative Resor on Mass. Planning & Development Act

Mr. Pavan said that he would prepare some comments for the next Planning Board meeting.

Other Business

Kelley's Corner Plan - Mr. Carnahan said that the Board should focus its planning efforts on a plan that will make a difference; the Kelley's Corner District. Mr. Carnahan stated that the South Acton Plan will not become a reality until the bridge is replaced and the sewer issue is resolved.

Mr. Bartl said that the South Acton Plan is about 60% complete and the draft plan should be ready for review and comment by the end of June, so he would

like to continue this effort until it is completed.

Mr. Bartl reminded the Board that he has placed an article on the Town Meeting Warrant seeking funds to begin the Kelley's Corner plan. Mr. Carnahan urged the Board to initiate the Kelley's Corner planning effort before summer begins.

Residential Development - A resident of 31 Lawsbrook Road asked to address the Board about his concerns raised by the article that appeared in the recent issue of the Beacon. He said that the Board should not allow almost 200 hundred new lots because the Town cannot afford to educate the children that will live in these homes. He encouraged the Board to do some long-range planning that would prevent further residential development of this magnitude.

Mr. Niemyski informed the resident of eight months that Acton had recently completed a comprehensive Master Plan; an effort that took three years and received an award for excellence by a national planning organization. He informed the resident that the Master Plan did include down-zoning and suggested that he may wish to read the Plan which is available in both of Acton's libraries.

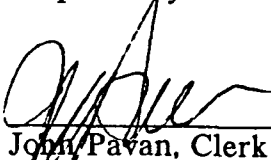
Mr. Hill explained that the state laws require the Board to allow development of land and suggested that the resident address his concerns to the state legislators.

Mr. Croswell said that the resident should let his legislators know that the current system of funding school systems should be reevaluated. He stated that until a major change in state funding of education occurs, there is very little that the Town can do.

Mr. Bartl explained that the 1991 Master Plan looked at build-out potential, but that it was impossible to predict how fast build-out would occur.

The meeting adjourned at 10:30 PM.

Respectfully submitted,



John Pavan, Clerk

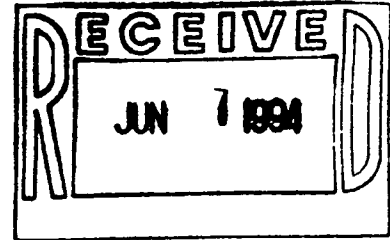
dw11.214

cc: BOS

BOARD OF ASSESSORS

MINUTES

MAY 16, 1994



1. The Board met with Steve and Jane Olesin residents of 11 Wingate Lane to discuss their abatement application. The Board agreed to abate the property value down by \$8,000 for a utility easement.
2. The Board agreed to abate property at 30 Sudbury Road down to \$720,000 for FY 93 and \$700,000 for FY 94.

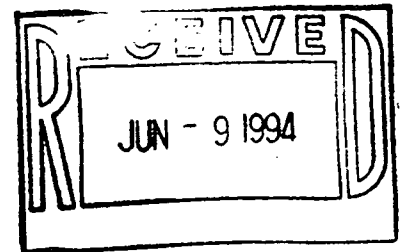
Attendance: James Kotanchik
Donald Rhude
Brian McMullen

cc: BOS
Middlesex County Selectmen's Association



ORGANIZED 1926

1994 ANNUAL MEETING



"EXPANSION OF ROUTE 3

Kevin Sullivan, Mass Highway Department, also Ned Corcoran, Chief Legal Council and
Greg Prentegast, Environmental Engineer

also

"HANSCOM AIR FORCE BASE - UPDATE"

Mark Prevost, Executive Director of the Northern Middlesex Chamber of Commerce

**JEROME'S RESTAURANT
INTERSECTION OF ROUTES 38 AND 495
NEXT TO
HOME DEPOT**

Wednesday, June 22, 1994

6:30 pm Cash Bar
7:00 pm Welcoming remarks, reports, incoming officers
 William King - President
 Nancy Cerone - Treasurer
 Arthur Doyle - Nominating Committee
8:30 pm Speaker Presentation - Kevin Sullivan - Route 3
 Mark Provost - Hanscom AFB

Welcome extended to all towns' officials

\$10 .00 per person

RESERVATIONS

\$10.00 per person

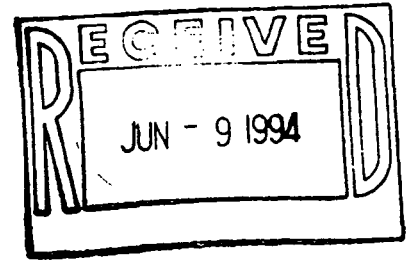
Baked Stuffed Lobster or Filet Mignon

Please list name, office title and choice of Lobster or Filet

Names	Office Title	Lobster	Filet

Please send attached form and payment to: Nancy D. Cerone, 5 Colonial Hill Ave.
North Reading, MA 01864 (508) 664-2625

cc: BOS



May 31, 1994

Senator Robert Durand
State House
Boston, MA

Dear Bob,

At its meeting May 11 the Acton Finance
Committee voted to endorse H4791, an act relative
to regional school assessments and H1640, an act
relative to vocational education. I hope the
General Court will pass these worthy acts.

You are doing a great job.

Sincerely,

Mary Donald, M.D.

cc: Ron Fitzgerald
Minuteman Vocational Technical High School
Acton Board of Selectpersons

SENT ALSO TO REP. PAM ROBSON

cc: BOS - COVER G
FULL DOC.
IN RF



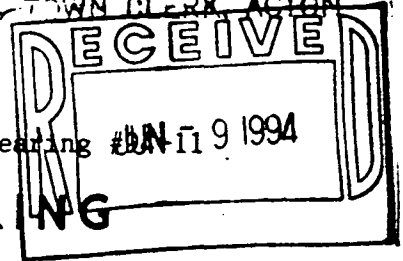
MASSACHUSETTS
BOARD OF APPEALS

Selectmen

RECEIVED & FILED

June 8, 1994

William Brown
TOWN CLERK, ACTON



NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

July 11, 19 94, at 7:30 P.M. in the TOWN HALL, Room 126

on the following petition:

by Elizabeth Lyons, 311 Central Street, for a
SPECIAL PERMIT from the requirements of the Zoning
Bylaw, section 3.8.1.2, to allow home occupation use
for an antique shop at 311 Central Street, Map F2A/Parcel 2.

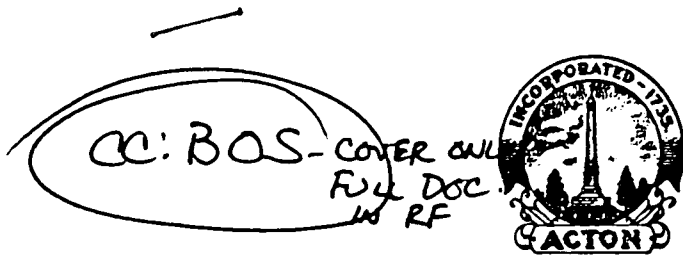
Petitioner must be present, or send authorized representative

BOARD OF APPEALS

By

Stephen Crockett, *Clerk*

Selectmen



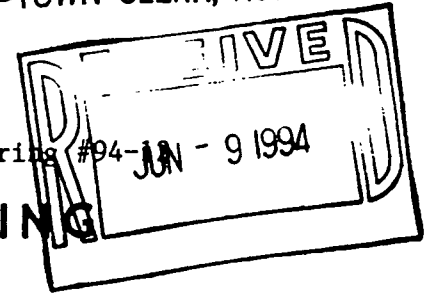
MASSACHUSETTS
BOARD OF APPEALS

RECEIVED & FILED

DATE June 5, 1994

Barbara Brown
for TOWN CLERK, ACTON

Hearing #94-11 - 9 1994



NOTICE OF PUBLIC HEARING

The Board of Appeals will hold a Public Hearing on Monday,

July 11, 19 94, at 7:45P.M. in the TOWN HALL, Room 126
on the following petition:

by Sandi Pitcher for Cambridge Wear, 340 Great Road, for a
PETITION FOR REVIEW from the requirements of Section 7.4.3.4C
of the Zoning Bylaw, to allow use of sign license #2208 issued
to Cambridge Wear, 340 Great Road, Map D4/Parcel 28. This
license was issued March 2, 1994 for an opaque illuminated sign.
At issue is the definition of the term "opaque" as referred to
in Section 7.4.3.4C in the Acton Zoning Bylaw.

Petitioner must be present, or send authorized representative

BOARD OF APPEALS

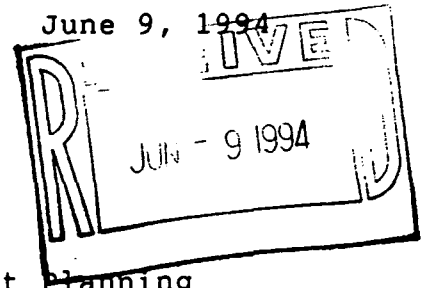
By

Stephen Crockett Clerk

TOWN OF ACTON
Inter-Departmental Communication

DATE:

June 9, 1994




TO: Don P. Johnson, Town Manager
FROM: Fire Chief
SUBJECT: Update re: Local Emergency Management Planning

Don:

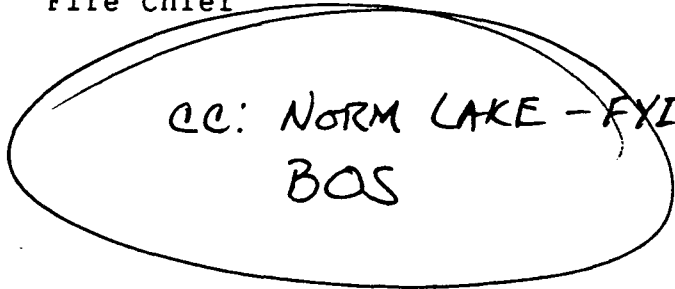
On Tuesday, June 7, 1994, John Hawks and I met with a consultant for District 14 who has been hired by a grant to assist in the development of local emergency plans. We are only the third community within the District to have an initial meeting with this consultant; and after meeting with her, it appears that our current plan is more advanced than many other communities within the District.

At this meeting, the consultant reviewed the provisions of laws relative to local emergency planning, makeup of the Local Emergency Planning Committee, and made suggestions for future goals of the Local Emergency Planning Committee. We discussed the relevance of our plan as it relates to the wishes of our Area Emergency Management Planner. The consultant also supplied us with a multitude of books and pamphlets which she had acquired from various sources.

After review of these publications and further discussion with John Hawks, I will be forwarding to you updated information and recommendations relative to our local emergency plan and the Local Emergency Planning Committee.


Robert C. Craig
Fire Chief

cc: John Hawks


cc: NORM LAKE - FYI
BOS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 7, 1994

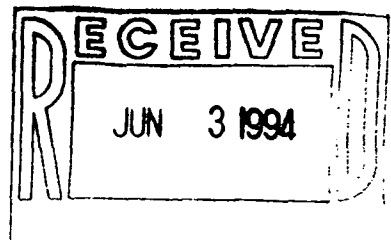
TO: Norm Lake, Chairman, Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Stop Sign @ Drummer Rd.

During the Board's meeting of April 11, you asked that staff research the options available for traffic control at the intersection of Drummer Road and Parker Street. The attached report from Dennis Ring of our Engineering Department outlines options that he and the Police Department believe would be most effective. As a minimum, the Stop Sign alternative looks the most appropriate.

Please advise if you and the Board wish to have us contact the Condominium Association to see if they will cooperate in such signage.



cc: Dennis Ring
Officer Cowan, Safety Officer



TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/3/94

TO: Don P. Johnson, Town Manager
FROM: Engineering Department *D.R.*
SUBJECT: Stop signs @ Drummer Rd.

I have researched the possibility of installing stop signs at the intersection of Drummer Road and Parker Street and I feel that there are several options open to us. To begin with, I should explain that Drummer Road is a privately owned driveway as opposed to a private road or private way like Post Office Square or Breezy Point Road, and is subject to the same regulatory authority as any other private residential driveway.

According to the Massachusetts Highway Department District Highway Engineer, a private road or way can be regulated with stop signs, speed zones, etc. by properly amending the Town's Traffic Rules and Orders in accordance with M.G.L. Chapter 90, Section 18. This must be done with the consent of, or at the request of the owner of the private way. The regulation and authority covering private driveways is contained in Article VII, section 7.8 of the Traffic Rules and Orders, which states that vehicles emerging from an alley or driveway must stop prior to entering onto a sidewalk or a public way. No other signage is required.

Given this information, I would suggest one or both of the following actions:

1. Have the Highway Department install standard signs indicating "intersection ahead" (see attached) on Parker Street approaching the driveway(s) in question.
2. Request that the Drummer Farms Condominium Association post stop signs on their property facing drivers entering onto Parker Street. Technically, the vehicles could not be cited for disobeying the stop signs, but they would serve as a visual warning to motorists exiting the condominium complex. In return for their cooperation, perhaps the Highway Department could provide the signs, poles and possibly the labor needed to install them.

In either case, there would be no public hearings required to erect the signs. I have discussed these options with the Safety Officer and he concurs with the recommendations. Please let me know if you need additional information regarding this matter.

The Commonwealth of Massachusetts
House of Representatives

BYRON RUSHING

Chair, The Committee on Public Service
Vice Chair, House Committee on Redistricting

State House — Room 39
Boston, MA 02133-1053
(617) 722-2240

Ninth Suffolk District
Alice Taylor
Copley Place
Fenway
Lower Roxbury
Prudential
St. Botolph
South End

June 6, 1994

Donald P. Johnson
Town Manager
472 Main Street
Acton, MA 01720

Dear Mr. Johnson:

I am writing to you because the appointment of your police chief is subject to civil service. As you may be aware, the Committee has during the past few years been approached by communities seeking to remove, by home rule petition, police or fire chief positions from civil service. These petitions, while occasionally controversial, have been for the most part granted, with the sole stipulation being the continued civil service status of the incumbent. At the same time, the Committee has before it a number of bills which would afford civil service-like protections to chiefs who are no longer subject to or are otherwise exempt from civil service regulation.

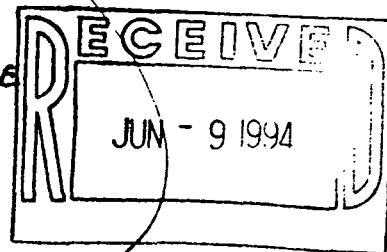
I have grown increasingly skeptical of these exemptions, and have begun a process of examining entirely the issues surrounding the hiring and contracting of police and fire chiefs. The recent proposals for both exemptions and new protections raises the larger question of the future of civil service itself for these positions in the Commonwealth's municipal personnel systems.

With this in mind, I respectfully request that, if your community is considering removing your police chief from civil service, you alert our Committee prior to the preparation and filing of necessary home rule legislation. Such notification will permit us to enter into dialogue and conversation prior to the petition reaching this Committee, and will afford me, the Committee, and your community leadership the opportunity to explore relevant issues and concerns in a less formal and less partisan atmosphere.

Yours truly,

Byron Rushing
BYRON RUSHING

6/10
cc: BOS -
I PLAN TO SEND
REP. RUSHING A SUITABLE
RESPONSE.

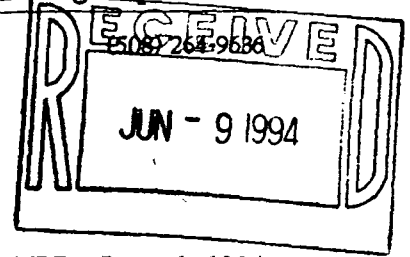


cc: BOS

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720



INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: June 8, 1994

FROM: Roland Bartl, AICP, Town Planner

RB

SUBJECT: Growth Issues

There is more and more discussion about the effects of housing growth in Acton and the proper balance between housing development and commercial/industrial development in Acton.

I have attached three articles on this subject which appeared over the last three years in the "Public Investment" quarterly of the American Planning Association.

The articles don't give any clear direction, but they show that the relationship between the development mix, taxation and fiscal health of communities is by no means as clear and simple as one might wish. Obviously the issues are so complicated that even the academics are divided in their assessments.

Please give this to the Board of Selectmen as information material. Thank You.

ridc.94*43

PUBLIC *Investment*

SEPTEMBER 1991

AMERICAN
PLANNING
ASSOCIATION

A special edition of the PAS Memo published quarterly and devoted to public investment and finance

Does Development Really Pay for Itself?

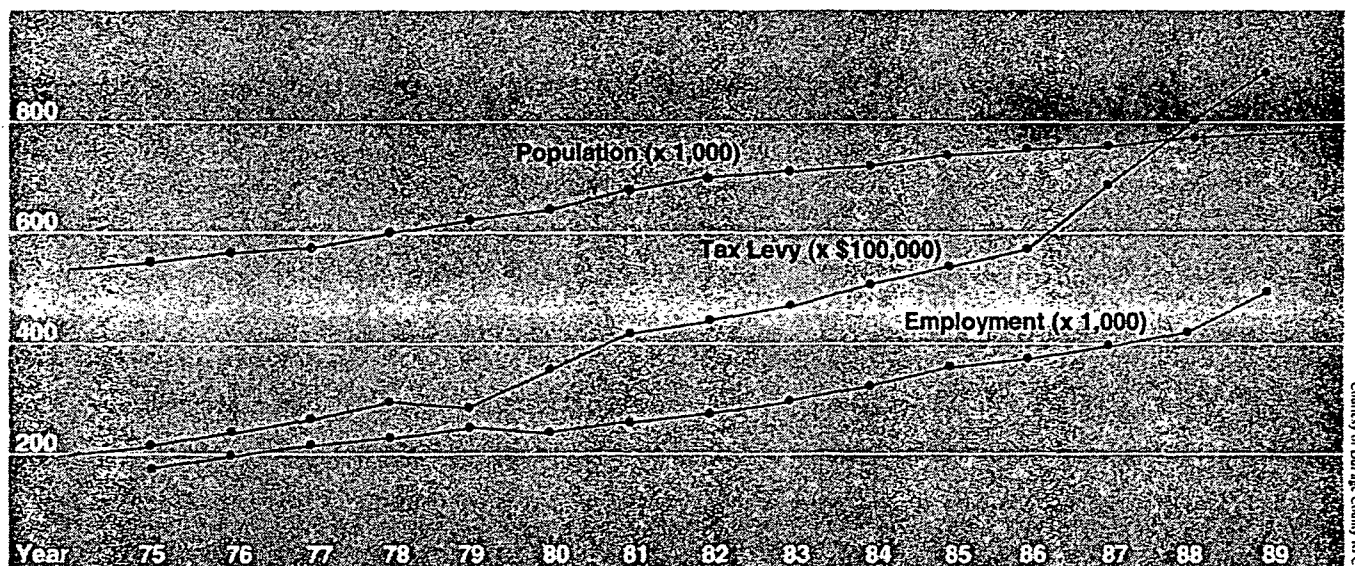
After residing in suburban DuPage County, Illinois, more than 20 years, Dalip Bammi, director of the county's regional planning commission, had an important realization. He noticed that, despite rapid urbanization and years of growth, local property taxes had steadily increased rather than decreased, as had been promised as a fruit of new development.

Bammi and his staff conducted a study which unexpectedly confirmed his observations. The results of the study suggested a causal relationship between new development, particularly nonresidential development, and increases in local property tax levies. This finding may have

generation before.

DuPage County's rationale was one that has been heard throughout the nation. Traditionally, the presumption is that, if a community is able to attract new development, improvements made on a parcel of land will increase its overall economic value to the community. With improvements in value, government would be able to tax property owners less while, at the same time, increasing or stabilizing public revenues. While it was true that some uses, primarily residential development, would strain public facilities by requiring everything from schools to sewers, nonresidential development could help make up the difference. With this philosophy firmly set in the minds of planners, political leaders, and, most importantly, citizens, the vast majority of American communities have spent the

Tax Levy, Employment, and Population in DuPage County



important implications both locally and nationally as other communities anticipate the financial effects of growth and development.

DuPage County, west of Chicago, has been the site of some of the most rapid and substantial sustained growth in Illinois. This growth was encouraged by residents and political leaders, with the firm belief that it would bring about a higher quality of life. Taxes on new development would pay for better schools, public services, and roads. Over the last 20 years, rural areas of the county coalesced into major nodes of commercial and industrial activity as more new residents were attracted by the improving economic conditions, and, as in so many other regions, new cities were built where cornfields had stood less than a

last few decades competing with each other to attract new development.

By the mid to late 1980s, however, something appeared not quite right with this equation. In more progressive communities, planners and citizens began to see that growth was not fully paying for itself. The reaction has been various attempts at growth management and the levying of development impact fees to compensate for some of the negative effects of new development. A more complete understanding of why the widely accepted relationship between development and taxation was failing has not been achieved. In one of the first major empirical studies of this problem, the DuPage County study demonstrates an association between new growth and higher taxes and

suggests some possible causes.

The study set out to measure the relationship between both residential and nonresidential development and increases in local property taxes. The initial model proposed that increases in property tax levies could be expressed as a function of change in the assessed value of residential property and change in the total number and percentage of the total tax contribution by nonresidential uses. That factor, combined with a variable designed to account for overall average tax increases and one that would measure inefficiencies created by overlapping tax districts, would account for changes in the tax levy.

A sample of properties was derived by examining 133 of the nearly 1,400 tax districts (e.g. school, fire, police, mosquito abatement) for local governments and special districts in the county. The sample included the largest codes, meaning that it covered almost 60 percent of the county's total tax base.

The study examined taxation from 1986 to 1989, three years of steep tax rate and employment increases. The parcels were segregated into residential and nonresidential land uses in order to see what effect each had on tax rates. The data was subjected to a correlation and regression analysis using the ordinary least squares method. The results indicated that there was a significant relationship between increasing nonresidential development and increases in property taxes in DuPage County.

The fact that the relationship between taxation rates and new development was positive rather than negative was startling. "Development may not always have its intended effect in improving the fiscal condition of individual taxing bodies," the report concluded.

This conclusion calls out for some serious examination of factors that might be causing this relationship. According to Bammi and his staff, one important reason may be that fiscal impact analysis in the past has looked at the impact of development on only one district, rather than examining cumulative impacts. According to Bammi, "Burchell and Listokin [authors of the standard reference manual, *The Fiscal Impact Handbook*, Center for Urban Policy Research, Rutgers 1978] are full of caveats; they explicitly state that their method looks only at direct impacts rather than the impacts on surrounding jurisdictions and entire regions."

In fact, most of the fiscal impact literature is based on a set of assumptions that may not always apply; fiscal impact analysis is an abstraction of real world systems. The formulas assume that any jurisdictions applying them are in an isolated state. This assumption is necessary for two important reasons. One is that indirect impacts are difficult to measure and could potentially vary widely given local conditions. Second, and most importantly, there is a legal requirement that any impact fee or dedication be tied directly to costs specifically attributable to a new development, and within a limited defined area.

Besides finding a causal relationship between new development and property tax increases, the study also showed that nonresidential development had more than three times the impact of residential development. Again, this important but unexpected conclusion confirmed what planners in many rapidly growing communities had long suspected—new development, especially commercial and industrial development, places burdens on public infrastructure and services that were not being paid for by the

increased value of the land.

The DuPage County study explains this relationship by documenting the cycle that new nonresidential development establishes or accelerates. That cycle begins when job growth brings new residents into the region who, in turn, require more services and frequently high-quality services. Taxes are being raised to meet increases in expectations by citizens. "All fiscal decisions are made as a result of a budgetary process," says Bammi. "The public demands better police protection, better schools, and everything else. The budgetary process asks, okay, what is this going to cost? It is not as if government raises taxes in order to run up large surpluses."

Even if nonresidential development does not directly contribute to stress on the county's school systems, indirect effects can be seen. For example, employment has increased in DuPage largely because of a perceived higher quality of life in the suburbs rather than in the central city. One factor in this is the schools. As more and more educated people are attracted to DuPage, they are in turn demanding a high quality education for their children. In addition, industry looks for a pool of well-trained labor and will consider school quality when making a decision where to locate.

Also, a rapidly expanding job market will create housing demand. It is reasonable to expect a correlation between population increases and job growth in a county. As the county urbanizes and the cost of living increases, salaries for school employees must also increase in order to maintain quality. In fact, teachers' salaries in DuPage are among the highest in the region.

Other factors may also contribute significantly. Although the DuPage County study does not consider this, examining the type of commercial and industrial development may yield some clues as to why taxes would increase with development. In the past, a typical new industrial development would almost certainly bring other development along with it, serving as a growth pole for the entire region as new industrial inputs were needed. While this is most certainly the case with large, heavy industrial plants such as steel mills or auto assembly plants, it may be less true with the type of industry that is developing in DuPage County and other urbanizing centers.

The "post-industrial economy" that has been centered in these regions is often dominated by commercial and industrial activity that does not have the strong "pull" of heavy industry. Examples of this are back-office operations for financial services or shipping and consolidation of manufactured goods—while they add value, they may not add enough to offset the burdens they place on public capital. Additionally, these industries tend to be less constrained by location. In other words, they need not concentrate in any specific place. They can seek the least expensive land on the periphery of a developing community, requiring expensive infrastructure and public service support as they move out at lower and lower densities.

Another feature that may contribute to higher public costs from development is that much of the new development is retail. One of the major aspects in new urban areas is the rising importance of regional shopping malls, strip malls, and a generally larger retail sector. Retail uses place a heavy burden on a community's transportation infrastructure. Orange County, Florida, in establishing a road utility tax on the basis of trip generation, plans to assess retail property at a

rate five times greater than residential property because of the increased stress it places on the county's roads.

The end of federal revenue sharing can also be seen as a contributing factor to the increased cost of new development to local governments. In the past, a significant portion of the funds necessary to maintain transportation infrastructure came from outside a jurisdiction's tax base. The provision of public infrastructure represents a direct subsidy, in the form of capital improvements, to development. In many cases, this subsidy is not only necessary but desirable. But, the funds to provide it must come from some public coffer or another. Shifting more of the burden of infrastructure finance has also shifted a greater portion of the tax burden to local citizens.

Public finance has also been strained by competition between jurisdictions. As units of government compete for limited new development, a spectrum of pro-growth to growth management oriented governments has evolved. A political climate has developed wherein local government is able to attract development only by offering to subsidize it, either through tax abatements or by public capital. The result has been that industry has been able to demand that it pay for less and less of the true costs of operations, with the public making up the difference. Again, in many cases, this kind of public subsidy may be necessary and have net benefits to one specific jurisdiction. However, in some cases, communities are being forced to offer tax breaks to attract new development that may not yield an overall improvement to the local or regional tax base.

The implications of the report were a political bombshell, according to Bammi. When the results were released last spring, developers feared increased difficulties in receiving development permits and higher impact fees. Though no such action had been suggested, two large development groups within the county funded research in an attempt to discredit the report. In other parts of the country, developers have been able to frustrate nascent growth management movements by threatening that the only way that property taxes could be held in check is through increased development. If the association between taxation and development suggested by this study is confirmed in other communities, a powerful new argument for balanced growth may be forged.

The report, *Impacts of Development on DuPage County Property Taxes*, is available for \$10 from the DuPage County Regional Planning Commission, 421 N. County Farm Rd., Wheaton, IL 60187.

D.B.

Bankruptcy Bid Fails in Bridgeport

On June 6, Bridgeport, Connecticut, filed a petition for bankruptcy, but the petition was recently denied by a federal bankruptcy court judge on the grounds that the city was not insolvent. Judge Alan H.W. Shiff ruled that, because the city had money in its reserves, it was still able to meet its financial obligations.

This ruling marked the latest setback in Bridgeport's attempt to use the courts to solve its financial problems. The implications of this ruling could stretch well beyond Connecticut's borders. While Bridgeport may be the largest city to claim bankruptcy since the Depression, many other

financially strapped communities were waiting to see what would occur in Bridgeport before considering a similar course of action.

Bridgeport's surprising decision to file for bankruptcy follows three years of fiscal trouble for the city. The city's finances had been under the supervision of a state financial review board since 1988, as part of a state-sponsored package that helped the city close a \$60 million deficit. Since Connecticut has no state income tax, Bridgeport has had to depend solely on property taxes. This year, faced with a \$12 million budget deficit, the state review board ordered the city to impose an 18 percent tax increase. But officials in Bridgeport, which already had the highest property tax rate in the state, did not see a tax hike as an option.

City officials have cited several causes for the fiscal crisis. Among them were expensive labor contracts, services required by the state but not financed by it, the refusal of Bridgeport's suburbs to help pay for social services, and a tax structure that relied solely on property taxes.

The situation is ironic, because while Bridgeport is having troubles meeting basic needs, the surrounding county, Fairfield, has the highest average personal income of any county in the United States. "A city cannot support a county and that is what we have been doing with Fairfield," said Bridgeport's mayor Mary Moran, referring to the city's disproportionate expenditures for social welfare, public housing, and other public expenses associated with poverty. Sensing there was no alternative, the mayor felt that filing for bankruptcy was the only recourse for the city.

Before Bridgeport could officially go through with bankruptcy, the courts had to decide if the city had the authority to do so. The state objected to the filing, claiming: Connecticut state law does not expressly grant such authority; the city is not insolvent; the filing was not done in good faith; and the mayor does not have such powers under the city charter.

While Connecticut does not expressly grant the power to declare bankruptcy, the judge ruled that it seems to fall under the state's implied powers. The decision stated that, because the municipality was authorized by the state to handle its own finances as well as to enter into court cases, the power to file bankruptcy could be inferred.

It was the question of insolvency, however, that led to the denial of the bankruptcy petition. Judge Shiff said that, because Bridgeport had \$25 million in the bank, it could still pay its bills, and therefore was not insolvent. "Chapter 9 offers a solution to chronic economic distress caused by costs and revenues spiraling in opposite directions," the judge wrote, "but Chapter 9 is not available to a city simply because it is financially distressed."

Chapter 9 bankruptcy was created during the Depression to protect local governments from lawsuits during a fiscal crisis. It differs from Chapter 11 bankruptcy in that it does not appoint a trustee to oversee the reorganization, but rather lets city officials submit their own plan, which the court must then review. If approved, local officials are responsible for implementing the new policies.

Chapter 9 has been used only sparingly, with most cases involving school or water districts. An example is the San Jose, California, school district, which, burdened by labor problems and lower tax revenues, filed Chapter 9 in 1983. The school district continued to pay the interest and principal on its bonds and renegotiated its union contracts. After

PUBLIC *Investment*

MARCH 1992

AMERICAN
PLANNING
ASSOCIATION



A special edition of the PAS Memo published quarterly and devoted to public investment and finance

Commercial Development and Property Taxes: Who Pays the Bills?

By Wim Wiewel, John McDonald,
Ashish Sen, and Charles Orlebeke

Last September, Public Investment News reported on a study by the DuPage County, Illinois, development department that raised many important questions about the nature and structure of economies in urbanizing suburbs. That issue of PIN has attracted considerable attention, even outside the planning profession. The following article represents another voice in this continuing discussion.

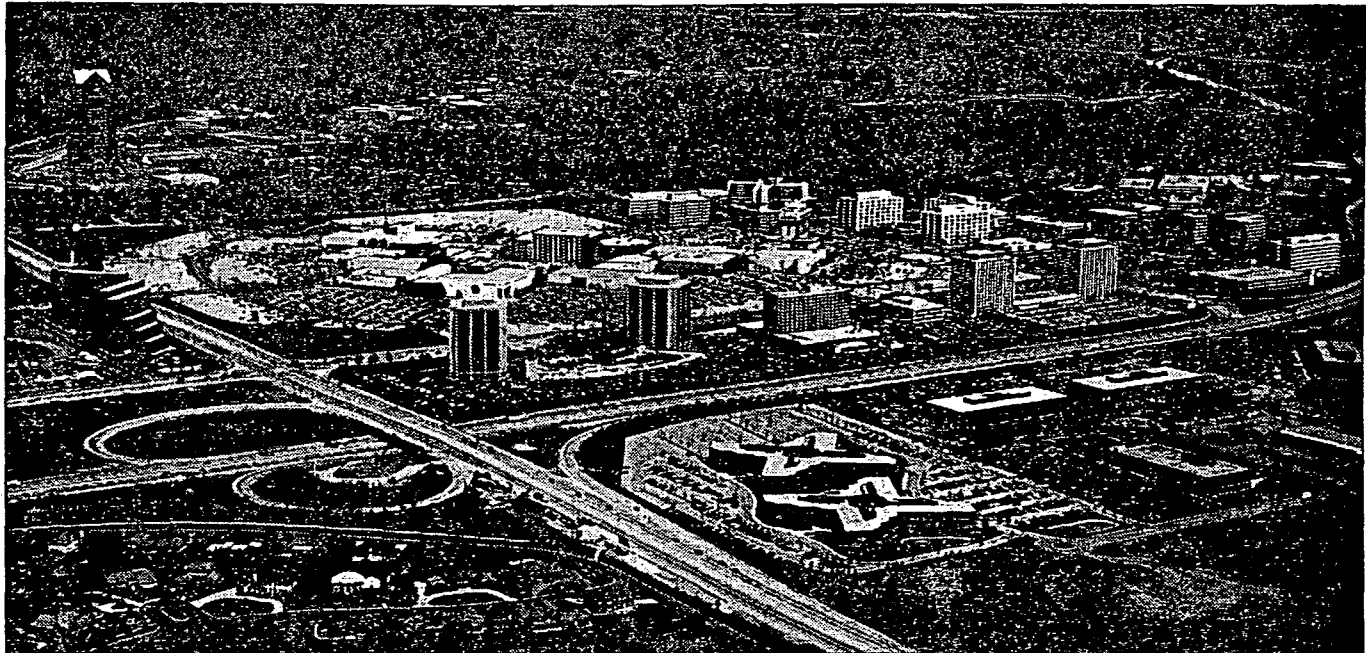
D.B.

Does the development of nonresidential real estate help the tax bills of residents? Common wisdom has long been that development of shopping malls and office buildings is very desirable from the perspective of the residential taxpayer. These kinds of developments help pay for local services, while demanding relatively few for themselves. The truth of this perception has long been considered so obvious as to be

beyond question and indeed motivates most local economic development efforts. A recent study in DuPage County, Illinois, however, cast doubt on this widespread belief. Not surprisingly, the study has come under very strong attack, with critics questioning everything from the motivations of the researchers to their assumptions, data, methods, and conclusions. Our review of the study, critiques, and some of the data suggests that there is reason to reconsider the prevailing wisdom. But at the same time, the DuPage study may have left some misleading impressions about the causal effect of nonresidential development on property taxes.

The analysis by the DuPage County development department found that in areas of the county with large growth in nonresidential development, property taxes went up more than in areas without such development. In fact, the study stated that "a one percent increase in nonresidential development is likely to result in a tax levy increase that is three times larger than a similar one percent increase in residential development." The study attributes this to two effects of nonresidential development: nonresidential uses bring in additional workers, shoppers, and others, all of which create demand for public services; and residents in the now more urbanized environment demand more services and

© 1989 Lawrence Okrent



Debate continues in DuPage County, Illinois, over whether commercial development pays for itself. Over the last two decades, areas like Oak Brook (above) have sprouted dozens of new office buildings, hotels, and shopping centers.

amenities. Thus, the first reason points at direct costs imposed by nonresidential development, while the second suggests a less clear, indirect effect.

There is no doubt that both nonresidential development and property taxes have risen rapidly in DuPage County. Our research reveals:

- Population growth in DuPage was very rapid (110 percent) during the 1960-1980 period, but population increased only 18.8 percent from 1980 to 1990.
- Employment growth for jobs located in DuPage was 72 percent from 1979 to 1988, exceeding the 54 percent rise in the number of employed residents of DuPage.
- Total property values in DuPage increased very rapidly from 1982 to 1988, and property taxes as a percentage of market value actually declined. The tax rate on residential property in DuPage was 1.96 percent of market value in 1982 and 1.72 percent in 1988.
- Property tax extensions in DuPage increased 135 percent from 1979 to 1988. (The average for Chicago's other four suburban counties, which generally experienced less economic growth during the period, was 102 percent).

It is therefore possible that the relatively rapid employment growth in DuPage County (and attendant nonresidential real estate development) is one explanation for the relatively rapid growth in property tax extensions. Other researchers have investigated this notion and come up with mixed results. A 1987 study of jurisdictions in the Philadelphia metro area found that measures of employment and commercial property value were positively associated with local government expenditures per capita, but a 1989 study of central cities did not find such a result.

There are several ways of studying the relationship between economic growth and property taxes. The study by the DuPage County development department follows one particular approach. After reviewing its methodology, we concluded that the general workmanship of the regression analysis was a satisfactory exploratory effort. But it should not be interpreted as a conclusive study. Our review, however, raised many questions about aspects of the study.

For instance, the 1986-1989 period studied was quite atypical since it was the height of the building boom. Also, the results of the study have been difficult to interpret because of the variables used. Rather than comparing tax rates, it used the total tax levy as the dependent variable. But of course the common wisdom never promised that the total tax levy would drop—as an area develops, the levy inevitably rises—but that rates would go down. Furthermore, the study suggested that not all development contributes equally to increases in the levy; rather, nonresidential development has a three times greater impact than residential development. But there are two problems with this statement. First, the measure of nonresidential development was somewhat indirect, in that it counted the number of firms, rather than, say, square footage. Second, since the types of development were measured in different units (number of firms vs. residential assessed value), one can't really compare regression coefficients and say one variable has

an effect three times greater than the other.

But even if further investigation were to show that the empirical findings are basically correct, one cannot draw the conclusion that nonresidential development brings about increased property taxes. The simultaneous occurrence of high rates of nonresidential growth and increasing tax levies does not necessarily imply that the costs of development cause the latter. Both for the county as a whole, and for smaller units within it, there are many reasons why the two phenomena might occur together. Below we offer several possible explanations. Each of these possibilities should be investigated further.

Loss of Revenue from Other Sources

DuPage governments may have had to increase property taxes more rapidly than other counties because of larger revenue losses from other sources. Our preliminary investigation of this hypothesis suggests this is an important factor for DuPage County as a whole; it may also differentiate individual taxing bodies within DuPage.

Furthermore, a large part of this revenue loss consists of state school aid. In 1988, DuPage County received \$743 per pupil in state aid, while the other collar counties received an average of \$1,265 from the state. Since this aid is provided to individual school districts, it is quite possible that districts with large increases in their tax base (due, in part, to nonresidential development) suffered larger losses and thus had to increase their tax levy more than districts without nonresidential development. This is consistent with the findings of the DuPage study, but clearly indicates an entirely different reason for the relationship between nonresidential development and increased property taxes than that study suggests: not increased costs, but declining revenues, due to the state aid formula.

Lowered Tax Price

The larger a proportion of the tax base is nonresidential, the cheaper it is for residents to increase expenditures. The "tax price" (i.e. the share of the costs of local services borne by the average household) for government services faced by DuPage residents may have declined because of the growth of the commercial tax base. This hypothesis, if true, could indeed lead to findings similar to those of the DuPage study: areas with a high nonresidential tax base experience increases in total tax levy. This could happen not because nonresidential development increases costs, but because it represents an opportunity for residents to increase services at relatively little cost to themselves.

We conducted a preliminary investigation to test this hypothesis. The results show very clearly that school districts with a high proportion of their tax base in nonresidential use spend more per pupil than other districts. The 10 elementary school districts with the highest proportion of nonresidential tax base spent an average of \$5,025 per pupil in 1990, while the other 20 districts spent an average of \$4,100 per pupil. This holds true regardless of the total assessed value per pupil. It appears that local school boards display some tendency to respond to the lower "price" for schools faced by residents of districts with a high proportion of nonresidential uses.

However, before this hypothesis can be accepted, more detailed analysis of the data, as well as of the actual decision-making process of school boards, is needed.

The authors are all faculty members at the University of Illinois at Chicago. Research for this article was conducted by the Center for Urban Economic Development at UIC, and sponsored by the East West Corporate Corridor Association.

Need to Catch Up

DuPage governments may have had to catch up with population growth from the previous decade. DuPage had more rapid population growth prior to 1980 than did the other collar counties. This was also a period of very high inflation. Governments may have been reluctant to raise taxes sufficiently to keep up with the rising demands of a growing residential population and keep up with inflation. However, once both inflation and population growth slowed in the 1980s, taxes could be raised more easily, especially since nonresidential growth continued to increase very rapidly and thus would shoulder an increasing share of the burden.

Increased Education Costs

School enrollments may have increased in DuPage more rapidly than elsewhere, especially from 1985 to 1989. There is a "secondary" baby boom, and it has affected many suburban school districts. Along with this, there may have been changes in other determinants of school expenditures, such as teacher salaries or classroom sizes and attendant capital costs.

Some of the increased education costs may have been driven by income growth. Income growth in DuPage was higher than in three of the other four counties in metropolitan Chicago. Income growth leads to greater demands for public services, especially schools. Our preliminary analysis shows, not surprisingly, that wealthier school districts spend more per pupil than other districts.

Other Factors

The DuPage study suggests several variables as causal ones to explain why nonresidential development might be associated with tax increases. Most of these relate to increased education expenditures to accommodate the need for a quality work force; road and traffic expenditures; and safety-related expenditures (police, fire, courts) linked to increased urbanization. Some of these are already included in the hypotheses above; others, such as the following, certainly should be analyzed as part of a larger study:

- increases in the quality of schools, as reflected in higher paid teachers, smaller classrooms, etc.;
- the extent to which employers/firms actually influence school expenditures;
- expenditures for vocational training;
- expenditures for increased in-school services;
- increased expenditures (absolute and per capita) for police and fire protection;
- increased expenditures on social services;

What is clear is that the study by the DuPage County development department raised important questions that call out for further research. Possible lines of inquiry could include a quantitative analysis of tax rates in all Illinois counties, as well as a more qualitative analysis of the decision-making process in some of the major taxing bodies. This would also allow an exploration of the possibility that some of the tax increases represent "windfall profit taking" by some of the taxing bodies that experienced large increases in taxable property.

Editor's Note: The encouraging response to the September issue is evidence that planners in rapidly urbanizing jurisdictions across the nation are beginning to question whether we as a profession have a complete understanding of how economies and land markets operate. The structures that allowed for "business as usual" in our communities seem to be undergoing a fundamental change. This change might be driven by an increasing demand for services, as DuPage County's study suggested. It might stem from political decisions made by states and localities, as the authors state above. It may result from changes in land use and a move towards a "post-industrial" economy, as I suggested last September. Or it might be a combination of the three. At any rate, it is clear that any jurisdiction integrating its land-use and fiscal planning must come to terms with these questions.

This May, at APA's national conference in Washington, D.C., Public Investment News will hold a seminar on this issue. The discussion should be lively and informative, and I hope that many of you will attend. D.B.

Wichita Ties Redevelopment to Environmental Cleanup

Just as the city of Wichita, Kansas, was preparing to draw up plans for a major downtown redevelopment effort, a discovery of toxic groundwater contamination threatened to cloud the sunny future of the largest central business district in the state. The contamination, stemming from an industrial area on the edge of downtown, affected a six-square-mile area directly below the proposed redevelopment district.

Once the contamination was discovered, all attempts at attracting financing for the redevelopment came to an abrupt halt. "It was like turning off a switch" says Mark Glasser, assistant to the city manager. "You can't buy, sell, or get a loan on any property in a contaminated area." The possibility of lenders being held liable for environmental cleanup, coupled with the normal risks of redevelopment, crushed any willingness by banks to invest in downtown Wichita.

Planners and other officials in Wichita felt that time was against them, as the downtown area was facing stiff competition from new development on the city's periphery. If they waited for Superfund and other federal programs to kick in, they could lose the opportunity to stabilize property values downtown.

Wichita had some experience with federal cleanup efforts. At another site north of the city, property values dropped over 40 percent and the cleanup took considerably longer than originally estimated. The planning and development community blamed the inefficiency of the U.S. EPA. And, while EPA dragged its feet, land in the area was lost as a contributor to local tax rolls. Determined to see that this situation was not repeated downtown, the city resolved to take responsibility for the cleanup. Cost estimates came in at about \$20 million—approximately the value of the taxes generated by the property at risk.

The city first established a Tax Increment Financing district for downtown and redirected the funds raised there to begin the groundwater remediation process as soon as possible. It pursued legal action against the parties


MARCH 1993

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Farmland Pays Its Own Way

By Marya Morris

The American Farmland Trust (AFT) has published a study that concludes that farmland more than pays its own way in property taxes. The final report, *Does Farmland Protection Pay?* is a summary of three cost of community service studies (COCS) in Agawam, Deerfield, and Gill in the Pioneer Valley along the Connecticut River in western Massachusetts. The studies provide evidence that, while private farm and open lands do not generate as much gross income as do developed lands, their need for public services is so minimal that their net effect on the tax base is a surplus.

"Although our research is not meant to show that growth doesn't pay, it does suggest that development options are not always necessary for towns to ensure economic stability," says Julia Freedgood, author of the report. The northeastern office of AFT was hired by the Massachusetts Department of Food and Agriculture to conduct the study.

AFT developed the COCS technique because rural and suburban fringe communities often lack the staff and financial resources necessary to generate data to prove the relative value to the community of different types of land uses, particularly farmland. The technique evolved from a 1986 report, *Density Related Public*

Costs, in which AFT reorganized community records to determine the net effect of each land use. Before the Massachusetts studies, COCS studies had been done in Dutchess County, New York, in 1989, and in Hebron, Connecticut, in 1986.

The findings of COCS studies have been used to dispel common claims that residential development increases local property tax income, that resource conservation is too expensive at the local level, and that farmland does not contribute significantly to the tax base and is therefore best converted to a different use.

Methodology

The objective of a COCS study is to compare annual income and expenses for four different land uses. As the report states, "they are a snapshot in time of costs versus revenues per land parcel." Unlike a fiscal impact analysis, a COCS study does not predict the impact of future land uses, "but rather gives public officials the benefit of a look back at the effects of past actions."

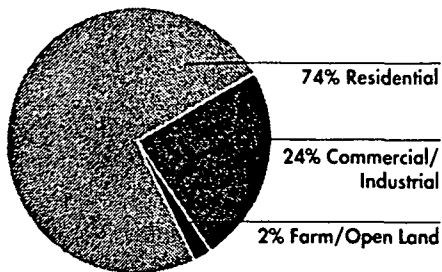
The Massachusetts studies began with AFT staff meeting with local officials to set goals, explain the limits of the study, and identify local sources of information. "Sponsors" from each community were chosen, such as the mayor or planning director, to provide oversight and support for each study.

Their first task was to identify the basic land-use categories to be analyzed. The towns of Deerfield and Agawam used residential, commercial, industrial, and farm/open land. In Gill, however,

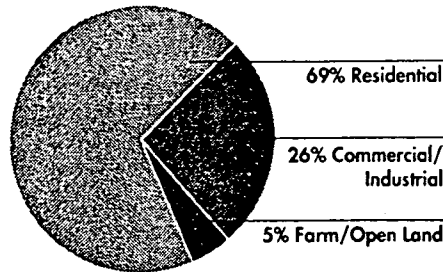


Greg Pease, courtesy American Farmland Trust

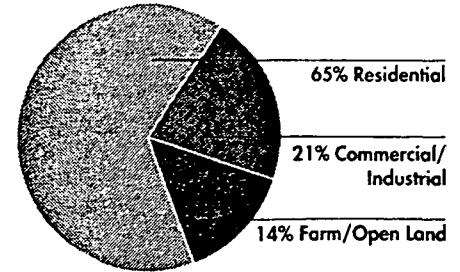
Agawam Revenues



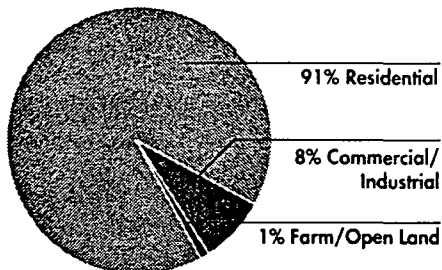
Deerfield Revenues



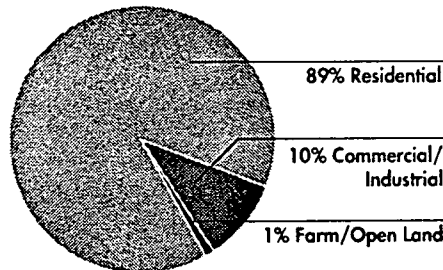
Gill Revenues



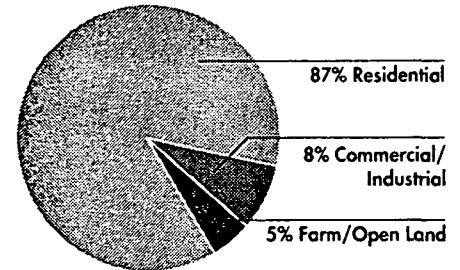
Agawam Expenses



Deerfield Expenses



Gill Expenses



sponsors chose not to differentiate between commercial and industrial lands.

The next step for the researchers was to obtain reliable revenue and expense figures. All financial records for each town from a recent, typical year (meaning one that was not a boom or bust financially) were reviewed for the calculations. Important data came from the towns' annual reports and Tax Rate Recapitulation Forms, sheets all Massachusetts towns and cities must submit to the state outlining their projected revenues and appropriations to determine local tax rates. The state Department of Revenue provided information on state aid for education and transportation. This step also involved extensive interviewing of local officials and service providers.

Allocating Revenues and Expenses

After the data were collected, the income and expenses on each budget were reorganized to correspond with the assigned land-use categories. Discrepancies arose when deciding which types of lands (and the resultant property tax income) should go into each land-use category. For example, the state of Massachusetts considers certain farm land to be commercial property. But, as Freedgood acknowledges "the nature of [farm land] use and the type of services it requires are more closely associated with open land than with malls, motels, or movie theaters." Therefore, revenue generated by farm lands is included in the farm and open lands section, not the commercial section, on the spreadsheet.

Conversely, property taxes from farm houses and housing for farm workers was attributed to the residential category. Also, taxes generated from rented homes were subtracted from commercial and added to residential. As Freedgood explains, "This is because a COCS study is concerned with who demands services, not the legal status of the property. Whether residents are farmers living on the land or renters leasing from an absentee landlord, they require the same type of public services."

Other sources of income also had to be allocated on a land-use

basis. State aid to schools was considered a residential revenue. Local receipts such as the motor vehicle tax, licenses, and permits, were each apportioned by land use "as much as possible," says the report.

The researchers had an easier time categorizing revenues according to land-use type than expenditures because tax records include lot numbers, acres, property classification, and value. On the contrary, most data on expenditures was not kept according to land use. Researchers had to rely on budget allocations, departmental expense reports, other financial data, and extensive interviews with service providers.

Expenditures were grouped in five classes: general government, public safety, education, human services, and public works. Education and human services were considered residential expenses because they serve town residents directly. Building and zoning department expenses were based on the number of permits and inspections required for each land-use sector. The expenses of other services, such as police and fire, were more difficult to allocate by land use. Much of police and fire department annual budgets go to inspections, public education, and safety, none of which was easy to attribute to a specific use. Also, reviewing fire department records helped determine where the calls came from but did not make clear how much it cost to put each fire out. Instead researchers had to interview fire chiefs to determine how long it took to put each fire out, how many fire fighters were called in, and how much equipment was used. A similar process was used to allocate police department expenses. As the report states, "Domestic violence, for example was charged to residential. Cows in the road went to farm and open land."

Public works expenses, particularly highways, proved to be the most difficult to allocate. In some instances there was information available on the types of vehicles using the roads and the frequency of trips, but for the most part, local sponsors were called upon to make estimations.

Finally, AFT researchers relied on the percentage of property t

revenue paid by each sector as a guide to distributing revenues and expenditures in cases where the sources were unclear. For example, 74.5 percent of property tax revenue in Agawam is from residential uses, 15.6 from commercial, 8.2 percent from industrial, and 1.7 percent from farm and open land. Therefore a revenue like "free cash," which consisted of leftover income from a previous year, was divided up so the 74.5 percent was allocated to the residential sector, 15.6 percent to commercial, and so on for industrial and open lands.

Findings

The researchers found that farm and open lands "proved to be respectable contributors to town income, and economical to serve on a net basis." In fact, these lands were the least expensive to serve. In Gill, for example, 12.2 percent of the town's total revenues came from farm and open land, but only five percent of the town's expenses were devoted to serving these areas. The findings were similar in Deerfield, where 4.3 percent of total revenues were attributable to farm and open lands, while just 1.4 percent of expenditures went to service in these areas. Agawam followed the same pattern.

On the other hand, the study revealed that the cost of providing services to residential areas consistently exceeded the income raised by that sector in all three towns. In Agawam, the residential sector accounted for 74.5 percent of property tax revenues and 81 percent of all revenues. But it required 91 percent of expenditures. In Deerfield, residential revenues comprised 71.4 percent of the town's total income, but 88.9 percent of total expenses. And in Gill, 69.9 percent of revenues came from the residential sector, but 86.6 percent of service costs went to residential areas.

In dollar-for-dollar terms, Deerfield spent \$1.15 for services in residential areas for every dollar generated in that sector. The revenue/service ratio for residential services was similar in the other towns. In contrast, public services for farm and open land in Deerfield cost 38 cents on the dollar. The aggregate ratios for the three towns was \$1.12 spent on public services for every dollar raised by residential uses, compared with 33 cents in service costs for every dollar generated by farm and open lands.

What it all means

The findings of the study are important to local officials, planners, and citizens of the Pioneer Valley for several reasons. The region experienced unprecedented growth in the 1980s, which fueled a huge increase in property values. The majority of this development was low-density residential sprawl. Although the higher property valuations resulted in higher assessments, the increased revenues could not cover the increased cost of providing public services to newly developed areas.

In contrast, the report points out that although farm and open lands may have not raised considerable revenue, they were not a drain on the towns' resources. Freedgood says this pattern was so consistent among each COCS study that it has led her "to question some traditional assumptions, like what is meant by 'highest and best use.' It's a mistake to view prime farmland as open space just waiting around to be developed." She believes that these findings may help towns resist pressure to develop simply to increase the tax base, especially if the bulk of the development is residential.

Valley residents are also concerned about protecting the rural character of the region and the effect rapid development has had on their quality of life. Increased traffic congestion, pollution, noise, and crime are all probable byproducts when a region becomes more urban. Freedgood says a COCS study can "extend the community

dialogue beyond the tax questions to consider viable economic development rather than growth for the sake of growth."

The report also warns that, although commercial and industrial sectors were found to offset residential deficits, these sectors may not always be "pure revenue generators." A study by the Vermont League of Cities and Towns, *The Tax Base and the Tax Bill: Tax Implications of Development* (1990), showed that property taxes were highest in towns with the most commercial and industrial development. That study's authors explain that commercial and industrial development spurs residential development, which in turn drives up demand for public services. Those findings echo a similar, although controversial, study done in DuPage County, Illinois, in 1991 (see *Public Investment*, September 1991).

The AFT report concludes with a discussion of the problems and opportunities of farmland preservation in the Pioneer Valley. Says Freedgood, "The real issue is not whether to develop, but where and how and when to develop." Given that reality, "communities need to decide what they want to be like in the future and manage the pattern of development to achieve their goals."

Currently, most new development occurs on farmland because these properties are already cleared, flat, and drained. To counteract this, communities can adopt zoning and land-use controls that provide incentives to protect productive farm land. This could include raising funds to purchase development rights, supporting agricultural enterprise zones, and adopting subdivision controls with density bonuses for clustered development. The report acknowledges that most small towns and rural communities lack the financial resources to do comprehensive planning. This problem could hamper their ability to implement changes in zoning and land-use policies.

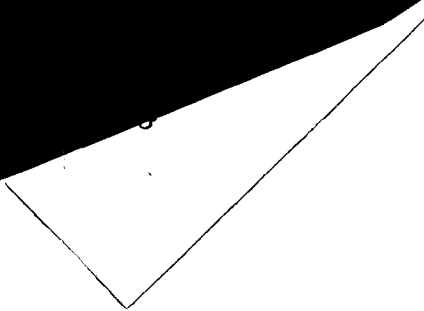
Finally, communities must begin to view farmland protection "as an investment in rural infrastructure and an element of local economic development." In the 1980s in Massachusetts, farms and related businesses accounted for \$16 billion of the \$123 billion state economy. Food processing plants alone generated \$3.5 billion in sales. The report encourages towns to evaluate the economic benefits and amenities that farm and open lands provide, beyond the property tax contributions revealed in a COCS study. With solid evidence that agriculture can be an economic development engine, town leaders can gain support for financial incentives for agriculture-based businesses, including grower cooperatives, improved roadside stand facilities, and new processing plants.

Glendale Makes Industrial Location SIMPLE

Glendale, Arizona, a northwest suburb of Phoenix, has come up with a unique way to lure industry. Glendale's economic development department, in conjunction with the city's fire, infrastructure, planning and zoning departments, local architects, and construction professionals, has developed a generic building specification and site plan called SIMPLE—Strategic Industrial Master Plan and Landscape Enterprise.

SIMPLE is an adaptable 50,000-square-foot building, with appropriate parking and landscaping. The building is designed for 80 percent plant operations and 20 percent office space and it is tailored to fit in any of Glendale's three industrial parks.

The major selling point of the SIMPLE program is that it



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 17, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: ERI Agreement

We have had only preliminary discussion with School Staff regarding revising the proposed agreement between the School Committee and the Board of Selectmen. A meeting is scheduled for Tuesday morning to see if we can work out satisfactory wording. I do not have a recommendation at this point but we will report any progress Tuesday evening.

A handwritten signature in black ink, appearing to read "Don", is positioned below the main body of the letter.

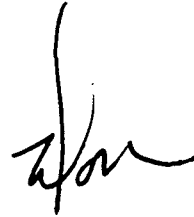
cc: John Murray

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 17, 1994

TO: Wayne Friedrichs
FROM: Don P. Johnson, Town Manager
SUBJECT: Windsor Ave. Traffic Speed

Per our discussion, I have asked the Police Chief to have our traffic unit give attention to the Central Street end of Windsor Ave. for speed control.

A handwritten signature in black ink, appearing to read 'Don', is located to the right of the main text block.

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 17, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Suburban Coalition

We are in receipt of the attached invoice from the Suburban Coalition for FY95. We have not contributed to this organization in the past and would not plan to do so now ... unless the Board prefers to be a "dues-paying" member.

Please advise if you wish us to participate financially. Unless we receive a contrary indication from the Board in this regard, I plan to disregard the invoice.

A handwritten signature in black ink, appearing to read 'Don', is positioned below the text of the letter.

SUBURBAN COALITION

WAYLAND TOWN BUILDING
WAYLAND, MASSACHUSETTS 01778

Fed. ID# 04 3184235

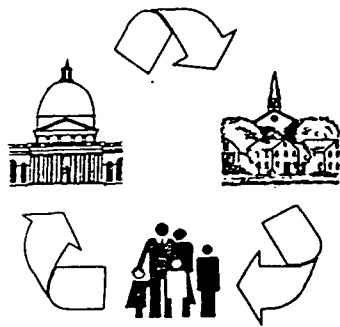
June 12, 1994

Town of Acton
Board of Selectmen
472 Main St
Acton, Ma 01720

INVOICE

Suburban Coalition dues for fiscal year 1994-5.....\$100.00

Note: Dues for municipal support groups such as school
foundations are \$50.00; for individuals \$25.00.



10th Anniversary of the Suburban Coalition

In the spring of 1984, the effects of Proposition 2½ were beginning to create fiscal problems for those responsible for the operations of town functions. Consequently, selectmen, school committee members and superintendents, finance committee members and town managers from several communities met at the instigation of Wayland school superintendent Dr. William Zimmerman, school committee chairman Linda Greyser, and finance director Bob Hilliard. The result of that meeting was the formation of the Suburban Coalition. Today, all members of the Steering Committee, Officers, and the Executive Director are volunteers. None is compensated or reimbursed for expenses. The Town of Wayland provides a meeting room and other support services.

In the first years of its existence, the Suburban Coalition advocated two positions: (1) All state mandates on local communities must be funded by the state. (2) Local aid should increase annually by at least two and one half percent to complement allowable increases under Proposition 2½ and to keep up with inflation.

Members of the Suburban Coalition did a lot of face-to-face lobbying on Beacon Hill and attended all meetings on the subject of local aid conducted by Frank Keefe, then chief of the Bureau of Finance and Administration. Even though our goals were not fully met, we believe the erosion of local aid to our constituent communities was moderated because of our efforts. We were the only organization (and still are) that advocates equity for all communities.

In January, 1990, Frank LeBart became chairman of the Suburban Coalition. Concurrently, our goals became more broad, especially as it became apparent that the aim of annual increases of 2½ % in local aid were politically unrealistic. The Coalition became much more active in supporting legislation of any practical nature that would enhance the well-being of suburban, cape, and rural communities.

At our suggestion, in February of 1993, the Legislative Caucus was formed in order to focus on the problems of our constituent cities and towns. We have supported by letters and personal contacts positions this Caucus has taken in the legislature such as uncapping lottery proceeds distribution and sharing the gasoline tax revenue more equitably with cities and towns.

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

June 14, 1994

Secretary
Executive Office of Environmental Affairs
20th Floor
100 Cambridge Street
Boston, MA 02202

ATTN: Mr. Dave Shepardson

REGARDING: EOEa No. 9962, Nagog Park Treatment Plant Expansion

Dear Mr. Shepardson:

The Town of Acton sees no problems with the proposed treatment plant expansion at Nagog Park. I have circulated the ENF among various Town Departments and received no comments.

It is my understanding that the expansion will include an upgrade of the plant by adding a nitrate removal unit. The plant is located about 3 miles upstream in the same watershed as two of Acton's public wells. Although this is quite a distance, this upgrade should help maintain the water quality over the long term.

Sincerely,



Roland Bartl, AICP
Town Planner

cc: ✓ Don P. Johnson, Town Manager
Doug Halley, Health Director
Kent Stasiowski, MAPC

rlt.94*14



CC: BOS - FYI

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

June 16, 1994

Mr. Steven M. Rothstein, Executive Director
North East Solid Waste Committee
530 Atlantic Ave. - 4th Floor
Boston, MA 02210

RE: NESWC Stabilization Fund Account Reconciliation

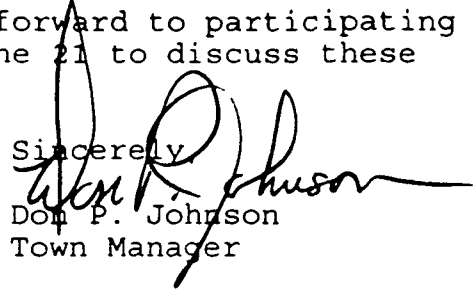
Dear Steve:

With the pre-meeting package for the upcoming June 21 meeting, the Town of Acton has received a copy of the letter dated June 13, 1994 from NESWC's certified public accountants, Gormican & Dennis, P.C., to you and John Merritt. We are pleased that NESWC's CPA has agreed with the Town of Acton that the Stabilization Fund accounting system "maintained before February 1993 had elements of double counting" which "penalized communities that over delivered during Fiscal 1993." The CPA firm has also recognized that, before Fiscal 1993, the "MRI Stabilization Fund tracking schedule double counted both withdrawals from and contributions to the Stabilization Fund." The CPA firm has also confirmed that this double counting problem was not recognized until after the date of the refinancing in February 1993.

In essence, the CPA firm has verified the Town of Acton's concerns voiced to you on repeated recent occasions concerning double billing by NESWC/MRI. The CPA firm has also indicated that correction of this historic double billing will affect the beginning balances as of February 26, 1993, the amounts due or prepaid to the Stabilization Fund on invoices outstanding on that date, and interest earned or paid by communities. Unfortunately, the Town of Acton has not been provided with the working draft of the spreadsheet entitled "Community Bills, Payments and Balances" identified in the CPA firm's letter. Nor has the Town of Acton been consulted by the CPA Firm for the Town's constructive comments with respect to both the nature and extent of the double billing problem and the appropriate ways to rectify the situation.

The Town of Acton remains ready, willing and able to work with NESWC and its CPA firm to effect a prompt and fair resolution to this complex problem. Acton's NESWC representative, John Murray, looks forward to participating fully in the upcoming meeting on June 21 to discuss these matters.

Sincerely,


Don P. Johnson
Town Manager

cc: Steven D. Anderson
Board of Selectmen

Item 6.(a)

June 13, 1994

Mr. Steven M. Rothstein, Executive Director
Mr. John Merritt, Senior Project Manager
North East Solid Waste Committee
c/o Environmental Futures, Inc.
530 Atlantic Avenue
Boston, Massachusetts 02210

Dear Steve and John:

This letter is a progress update on our project to produce a corrected Working Draft of the spreadsheet entitled, "Community Bills, Payments And Balances." The spreadsheet calculates individual NESWC community balances in the Stabilization Fund established under the Depository Agreement with State Street Bank (as Trustee) and dated January 1, 1993.

As you know, development and updating of this spreadsheet has been a joint effort by the two of us: Gregory M. Gormican, of the accounting and consulting firm of Gormican & Dennis, P.C., and Peter C. Buhler, management consultant, who has been a financial advisor to NESWC for several years. In our work on the spreadsheet, we have both been acting as consultants to NESWC, working with you and the communities to help organize, tally, summarize, review and adjust the large number of transactions that affected community accounts in the Stabilization Fund from the date of the refinancing transaction at the end of February, 1993 through October 31, 1993. The overall objective has been to produce a set of community cash and accrual balances that reconcile with the bank balances each month and, most importantly, that the communities can accept individually and collectively as the basis for establishing a more easily understood and maintained Stabilization Fund accounting system.

Because of the large number of transactions and the complexity of the billing and accounting systems, the project has required extensive review and communication with you both, members of your staff, members of the MRI staff, and, of course, with the NESWC communities. To put the project in perspective, we have thought of it as encompassing three phases.

Phase 1, which was completed last December, involved accumulating the data and developing a spreadsheet format in which the data could be entered and summarized for review by each community. In completing this phase, we accepted as givens the February, 1993

beginning balances (taken from MRI's accounting system) and all of the subsequent entries by the Trustee as bills were rendered and paid.

The result of Phase 1 was a Working Draft, dated December, 1993, which you distributed to community representatives. To ensure that all items were reconciled with community records, you asked the communities to review their individual summaries and to provide comments and suggested adjustments.

Phase 2 involved review by each community of the Working Draft produced in Phase 1. Originally, we had all hoped that the review period would take only a few weeks and that each community and the Board would be able to sign off on a set of balances by early January. For a few communities, however, the review has taken much longer for several reasons. First, the task of accounting for a Stabilization Fund in which 23 communities act at various times as customers, owners, lenders and borrowers under the terms of the Bond Indenture and the Service and Depository Agreements is extremely complicated. And second, the review has raised issues that go beyond the scope of the effort that we completed in Phase 1.

Specifically, the method by which MRI was tracking Stabilization Fund balances prior to February, 1993 has been questioned, and a number of meetings and reviews have been needed to develop a deeper understanding of the MRI system and the questions raised about it. The result of these reviews has been the confirmation that the system maintained before February, 1993 had elements of double counting.

During Fiscal Year 1993, when the system was billing for the greater of delivered tonnage or Guaranteed Annual Tonnage (GAT), the MRI Stabilization Fund tracking schedule double counted withdrawals from the Stabilization Fund. This double counting primarily penalized communities that over delivered during Fiscal 1993. Before Fiscal 1993, when the system was billing for actual tonnage, the MRI Stabilization Fund tracking schedule double counted both withdrawals from and contributions to the Stabilization Fund.

In addition, when this double counting was recognized, it became apparent that the Stabilization Fund portion of invoices unpaid on February 26, 1993, the date of the refinancing, also required correction. In sum, the Phase 2 community reviews showed that additional work was necessary to reconstruct the beginning balances received from MRI that we had taken as a given in order to complete Phase 1 last Fall.

Phase 3 has been a necessary follow-up to the community reviews. During this phase, we have worked with you, MRI and several communities in an effort to correct the beginning balances employed in the spreadsheet in a way that will be fair to all of the communities.

June 13, 1994

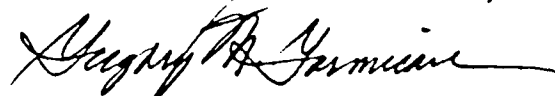
To complete the Next Working Draft, additional information is needed from MRI, and we are currently in the process of obtaining that data. The details of the all of the entries, the corrections and the resulting cash and accrued balances will again be included in the new Working Draft of the spreadsheet, which will require a second review by the communities.

When the next Working Draft is complete, we anticipate that our corrections will affect the following: (1) the beginning balances provided by MRI as of February 26, 1993, (2) the amounts due or prepaid to the Stabilization Fund on invoices still outstanding on that date and (3) interest earned by communities with positive balances and owed by communities with negative balances. In addition, there have been a few very minor corrections to the Phase 1 Working Draft and corresponding adjustments to the accrued interest calculations. No other substantive corrections are anticipated to the transactions we recorded last Fall, which covered the invoices rendered from March 15, 1993 through October, 1993.

We hope the last information required to complete the Working Draft will be available from MRI within the next week to 10 days. As soon as we have a look at it we will let you know how long it will take to enter the data in the supplemental schedules and complete the Working Draft. At that point, we will again produce a transmittal letter and an explanation of the corrections made.

If you have any additional questions, please give us a call.

Sincerely,

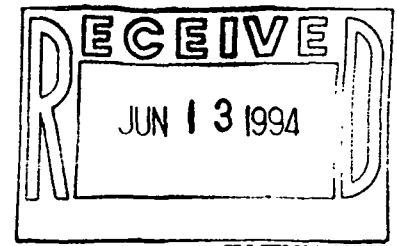


Gregory M. Gormican



Peter C. Buhler

ANDERSON & KREIGER
Attorneys at Law



STEPHEN D. ANDERSON
(Also admitted in CT)

ARTHUR P. KREIGER
(Also admitted in NY)

GEORGE A. HALL, JR.

The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
(617) 252-6575
Fax: (617) 252-6899

CYNTHIA HESLEN
(Also admitted in VT)

WILLIAM H. BRACK
(Also admitted in DC)

June 7, 1994

By Fax 617-573-9662

Ms. Lynne Jennings
U.S. Environmental Protection
Agency
Waste Management Division
Region I
90 Canal Street
Boston, MA 02114

RE: W.R. Grace

By Fax 508-792-7621

Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Cleanup
Massachusetts Dept. of
Environmental Protection
75 Grove Street
Worcester, MA 01605

Dear Ms. Jennings and Mr. Benoit:

The Town of Acton offers comments as follows on the following documents:

- A. May 2, 1994 Letter from CDM/BACT Analysis Comments; Includes March 26, 1994 Attachment from VFL Technology Corporation
1. The Town's consultant suggests that a catalytic incinerator should be used on the exhaust from the VFL process rather than the proposed activated carbon control. As you know, while carbon can be effective in controlling the emission of most volatile organic compounds, vinyl chloride (a site contaminant) presents a special problem in that it is poorly adsorbed. This problem is compounded by the poor warning properties of approaching carbon saturation or accidental desorption. Catalytic incineration is an environmentally safer alternative with high reliability, good warning properties regarding possible failures and good effectiveness for all the contaminants of concern.
2. In VFL's discussion of system ventilation it is difficult to discern whether the pugmill is an air tight unit. VFL appears reluctant to put a negative pressure on the pugmill for fear of excessive fouling of the intakes by particulate matter. However, since the pugmill may be the point of greatest VOC emission generation, some form of emission control on this unit seems necessary unless the unit itself is air tight.

3. The VFL process appears to induce an exothermic chemical reaction in the mixed matrix as the product material sets-up. In other words, the material gets warm after it is mixed. This warming will enhance the rate of VOC emissions from the material while it cures. Thus, some level of emission control over the curing material seems appropriate.
 4. The Town is particularly concerned that Grace and its consultants continue to submit generic design plans for the VFL emission control system which lack detail. The VFL emissions controls are a key element in the clean-up program from a health protection stand point. The Town's consultant believes that errors in VFL emissions control may lead to inadvertent exposures of people to site chemicals. For this reason, the Town asks that the Government Parties require Grace to submit design plans which are site specific, and to ensure that concerns regarding VFL emissions controls be fully resolved before approving design plans and allowing soil remediation to commence.
- B. May 4, 1994 letter from Grace Requesting Modifications to the Groundwater Sampling Plan
1. Grace proposes to eliminate cyanide as an analyte as maximum cyanide detection to date has been below the regulatory limit. The Town believes it would be prudent to retain cyanide as an analyte for those wells used to assess impacts from the landfill for a minimum of two years following closure. The Town suggests that the Government Parties impose this continued testing requirement as the added weight from new fill could potentially squeeze out pore or perched water containing various contaminants which were previously retained.
 2. Grace proposes to confine pesticide analysis to three wells, and to test annually rather than quarterly. The Town suggests that the Government Parties require Grace to perform quarterly sampling on these wells for a minimum of two years following closure, for the same reasons described above.
 3. Grace proposes to reduce the frequency of metals analysis from quarterly to annually. The Town suggests that quarterly sampling continue, as the Town's

Ms. Lynne Jennings
Mr. Edmond Benoit
June 7, 1994
Page 3

consultant has raised concerns about Grace's proposal to reduce the monitoring for inorganic species based on his review of recent data.

Specifically arsenic and cadmium have been consistently detected in site groundwater at concentrations in excess of Maximum Contaminant Levels (MCLs). In Table 14 of CDM's May 1994 Preclosure Baseline Monitoring Report (fourth quarter 1993) CDM states arsenic and cadmium "appear to be associated with the contaminant plume". In the quarter covered by this report the arsenic MCL was exceeded in 27 monitoring wells.¹

¹ The following list includes those wells with arsenic and/or cadmium exceedances during 1993:

<u>Well No.</u>	<u>Arsenic (ppb)</u>	<u>Cadmium (ppb)</u>
	MCL = 50	MCL = 5
BO8-B3	349 - 364	ND - 26.9
BO8-C	62.2 - 133	ND - 10.3
BO8-D	160 - 264	ND - 27.3
B10-B2	116 - 131	ND*
B10-B3	186 - 204	ND*
B10-B4	110 - 162	ND - 5.3
B10-P	164 - 184	ND*
ELF	ND - 46.3*	ND - 5.4
G-3	74.5 - 91.8	ND*
LF-03B2	89 - 115	ND*
LF-03P	212 - 254	ND - 5.5
LF-05A	212 - 275	ND - 14.8
LF-05B	183 - 216	ND - 20.1
LF-05C	177 - 377	ND - 8.8
LF-05D	114 - 174	ND - 9.5
LF-05E	2.6 - 5.2*	ND - 9.3
LF-05p	37.6 - 105	ND - 10.8
LF-06C	1,060 - 1,100	ND - 27.6
LF-06s	45 - 144	ND - 6.2
LF-09A	0.0 (sic) - 172	ND - 5.6
LF-10A	41.5 - 51.1	ND*
LF-10C	33 - 57.5	ND*
LF-11C	2.6 - 35.6*	ND - 17.7
LF-15	0.0(sic)-226	ND - 31.4
LF-16	0.0(sic)-182	ND - 14.2
OSA-01B	23.5 - 196	ND*
OSA-06A	ND - 2*	ND - 8.7

Ms. Lynne Jennings
Mr. Edmond Benoit
June 7, 1994
Page 4

While there were no cadmium MCL exceedances in the fourth quarter (1993), there have been between 3 and 21 such exceedances in each of the preceding 7 quarters. The Town's consultant considers the incidence of MCL exceedances for arsenic and cadmium to be significant, and he does not support the lessening of monitoring for these parameters.

4. Grace proposes to eliminate the CLP requirement. The Town asks that the Government Parties consider the continued need for data of a known quality when considering Grace's proposal. At a minimum, the Government Parties should ensure that Grace continues to use an independent certified laboratory of good reputation for the monitoring program.

The Town anticipates that it will review the Construction Quality Control Plan and the Site Work Plan and determine whether to submit written comments thereon during June. As a preliminary comment, the Town's consultant suggests that the Site Work Plan be revised to be more site specific.

The Town and its consultant are concerned that target dates on the proposed schedule are not being met, with respect to both meetings and submissions. Assuming that Grace intends to go forward with remediation this summer, it appears that the interested parties face the potential of receiving a barrage of submittals and being asked to evaluate them in a very limited time. The Town suggests that the interested parties schedule regular technical update meetings to occur throughout the summer.

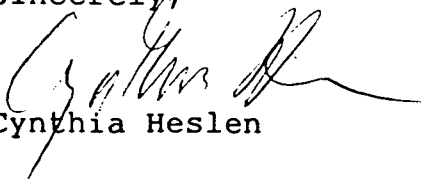
OSA-07A	32.6 - 40.3*	ND - 6
OSA-9B	27.8 - 58	ND*
OSA-12B	230 - 239	ND*
OSA-13C	63 - 78.4	ND*
OSA-16A	62.3 - 65.9	ND*
OSA-23B	95.5 - 98	ND*
RLF	ND - 107	ND*
SL-SB2	124	ND*
TF-1	75.8 - 90	ND - 9.4
WLF	53.2 - 64	ND*

*Indicates a parameter where the MCL is not exceeded

Ms. Lynne Jennings
Mr. Edmond Benoit
June 7, 1994
Page 5

I look forward to our next meeting.

Sincerely,


Cynthia Heslen

CH/bas

cc: By Mail

James Okun - O'Reilley & Talbot
Douglas Halley - Acton
Don Johnson - Acton ✓
Robert Sullivan - GZA
John DeStafano, GZA
Louis Ingram, W.R. Grace
Maryellen Johns, W.R. Grace
Thomas L. Stoneman, Canonie c/o CDM
John Swallow, Pine & Swallow Associates, Inc.
Michael Moore - Concord Board of Health
William J. Cheeseman, Foley, Hoag & Eliot
William Pencola - Ensearch Env. Corp.
Charles Tuttle, MADEP
Charles F. Myette - Wehran - DEP
Robert H. Eisengrein, ACES
Mark Stoler - W.R. Grace

ACT/GR//JennBen.002

ANDERSON & KREIGER

Attorneys at Law

STEPHEN D. ANDERSON
(Also admitted in CT)

ARTHUR P. KREIGER
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The Bulfinch Building
47 Thorndike Street
Cambridge, MA 02141
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WILLIAM H. BRACK
(Also admitted in DC)

June 7, 1994

By Fax (508) 264-9630

Don Johnson, Town Manager
Town of Acton
Town Hall
Acton, MA 01720

Re: W.R. Grace

Dear Don:

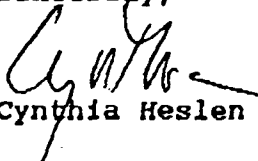
Enclosed is a nine item summary which was distributed by Grace at the meeting on Monday, June 6, 1994. According to Jim Okun, the summary outlines additional measures Grace proposed at the meeting for the soil remediation project. Grace expressed a willingness to do several things they have resisted in the past, and appeared to be willing to make difficult decisions in order to begin the soil remediation project this summer.

According to Jim, the government parties were pleased with Grace's summary, but questioned whether the air monitoring limits could be complied with. This issue was not resolved at the meeting.

As you know, meetings on the Site Work Plan are scheduled for Thursday and Friday. Jim's partner, Mr. Talbot, plans to attend the meetings with Doug Halley.

Please do not hesitate to call me if you have any questions or concerns.

Sincerely,


Cynthia Heslen

CH/bas

Enclosure

Act/Gr/J/Johnson.043

Western Mass. Office: 20 Federal Street, Suite 1, Greenfield, MA 01301 • (413) 774-3392 • Fax: (413) 774-2845

♻️ Printed on recycled paper.

cc: BOS
D. HALLEY
FILE/RETAIN 7/15

06/03/94

SUMMARY
SOIL REMEDIATION PLAN
H. R. GRACE & CO. SITE - ACTON, MA

1. A THERMAL DESORPTION UNIT WILL BE ADDED DOWNSTREAM OF THE VFL PUGMILL. THIS UNIT WILL ENHANCE CONTAMINANT REMOVAL BY INCREASING RESIDENCE TIME AND BY THE ADDITION OF EXTRA LIME, WHICH WILL INCREASE TEMPERATURE.
2. AIR EMISSIONS EVOLVING FROM THE VFL UNIT, INCLUDING THE THERMAL DESORPTION UNIT, WILL BE CAPTURED, AND CONTAMINANTS DESTROYED IN A THERMAL OXIDIZER.
3. A REAL TIME AIR MONITORING SYSTEM USING GAS CHROMATOGRAPHY TO DETECT THE ROD CONTAMINANTS WILL BE EMPLOYED. EIGHT MONITORING STATIONS AROUND THE SITE PERIMETER WILL CAPTURE AIR SAMPLES WHICH WILL SUBSEQUENTLY BE ANALYZED BY A CENTRAL GC. REASONABLE ACTION LIMITS WILL BE USED TO TRIGGER CORRECTIVE ACTION.
4. BOILER LAGOON HOT SPOTS WILL BE REMOVED. A SMALL VOLUME WILL BE TAKEN OFFSITE FOR INCINERATION AND THE BALANCE OF THE HOT-SPOT MATERIAL WILL BE TREATED IN THE ENHANCED VFL UNIT. THE REMAINDER OF THE BOILER LAGOON SOIL WILL GO DIRECTLY TO THE LANDFILL AS SPECIFIED IN THE ROD.
5. ADDITIONAL CHARACTERIZATION HAS SHOWN IT ADVISABLE TO TREAT THE CONTENTS OF THE BATTERY SEPARATOR LAGOON #1 IN THE VFL UNIT. THIS WILL BE DONE.
6. ADDITIONAL CHARACTERIZATION HAS ALSO SHOWN THAT APPROXIMATELY HALF THE VOLUME OF THE SECONDARY LAGOON ALREADY MEETS ROD TARGET LEVELS FOR VOLATILE ORGANICS. THIS MATERIAL WILL BE TAKEN DIRECTLY TO THE LANDFILL WITHOUT VFL TREATMENT.
7. GRACE HAS WRITTEN THE GOVERNMENT PARTIES CONCERNING THE FREQUENCY AND METHODS OF ANALYSIS FOR SAMPLES TAKEN IN CONNECTION WITH THE PRECLOSURE BASELINE MONITORING PROGRAM. THIS RECENT LETTER SUMMARIZED RECOMMENDATIONS THAT HAVE BEEN MADE IN THE PAST FOUR QUARTERLY REPORTS SUBMITTED TO THE GOVERNMENT PARTIES BY COM. GRACE REQUESTS AGREEMENT OF THE GOVERNMENT PARTIES TO THESE RECOMMENDATIONS.
8. THE PRESENT WORK PLAN AND AGREEMENT WITH THE GOVERNMENT PARTIES CALLS FOR THE USE OF CLP METHODOLOGY FOR FINAL CONFIRMATORY SAMPLES TAKEN AT THE CONCLUSION OF SOURCE AREA EXCAVATION. GRACE REQUESTS PERMISSION OF THE GOVERNMENT PARTIES TO SUBSTITUTE STANDARD EPA ANALYTICAL PROCEDURES IN ANALYZING THESE SAMPLES FOR USE OF CLP METHODOLOGY.
9. IF THE GOVERNMENT PARTIES AGREE TO THE ABOVE, GRACE STANDS READY TO BEGIN SOIL REMEDIATION DURING THE THIRD QUARTER OF 1994. IT IS ANTICIPATED THAT VFL SOIL STABILIZATION WILL BE COMPLETED IN 1995 AND THE ENTIRE PROJECT WILL BE COMPLETED IN LATE SUMMER OF 1996.

TOTAL P.07

TOTAL P.03

SELECTMEN'S MEETING
JUNE 7, 1994

DRAFT

The Board of Selectmen held its regular meeting on Tuesday, June 7, 1994 at 7:30 P.M. Present were Norman Lake, William Mullin, Nancy Tavernier, Wayne Friedrichs and Town Manager Johnson.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

PUBLIC HEARINGS AND APPOINTMENTS

ACTON WINE AND SPIRIT D/B/A LIQUOR OUTLET
LIQUOR VIOLATION HEARING

Steve Zeitler, owner of the Liquor Outlet spoke to the Board about the incident and explained the background of the sale to the minor. He apologized for the infraction and outlined the steps he is taking to insure that it won't happen again. He has closed circuit cameras and reviews the tapes to ensure no one is slipping past without being carded. The Board thanked him for his proposal and apology letter and will place it in his file for reference in the event his establishment violates the law.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to Liquor Outlet expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license.
WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SITE PLAN SPECIAL PERMIT #4/15/94-345
Savory Lane - 251 Arlington Street

The Chairman read the notice of meeting and explained that due to an error with the publishing of the Notice of Hearing the hearing would have to be opened and continued. WILLIAM MULLIN - MOVED to continue the Site Plan Hearing for Savory Lane to June 21, 1994 at 8:00 P.M. NANCY TAVERNIER - Second. UNANIMOUS VOTE

WEST ACTON VILLAGE PLAN

Chairman Lake asked for Board comments on the plan. Bill noted the comments that staff had made on page two. Wayne was concerned that the train stop was reinstated verses the original review status. Nancy spoke about uses and the new zoning changes. Donna Jacobs said it was to be used as a reminder during Site Plan review by boards and staff. She also questioned the necking down of intersections and agreed with staff comments.

The installation of mirrors concerned Nancy because of liability. Donna explained that the mirrors would not be installed or maintained by the Town, but residents merely wanted the option to install without Town regulation or objection. Bill felt that staff comments should be resolved and asked the purpose of this review and document if the comments were not considered. He felt that staff comments should be reviewed and that any sections already covered by a Town Bylaw should be removed.

Don noted his problem with the term implementation. He felt that was an issue that staff would have a problem with. Nancy felt landscaping issues described could be addressed by the permitting process and review.

WILLIAM MULLIN - Moved to work with this document, each member will forward their comments to the Town Manager to forward to planning for review. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

ACTON BEVERAGE CO. INC.
133 GREAT ROAD - PACKAGE STORE TRANSFER AND LOCATION CHANGE

Mr. Malanti represented by his attorney outlined the applicants background and experience in the liquor industry. Currently they operate a facility in Bedford and have previously owned another license in Cambridge. They propose to move the current Notar's License from Massachusetts Ave. to 133 Great Road in the old Warren Rental Building. They will do some interior modifications and have submitted the floor plan which details those changes.

Selectmen Friedrichs asked if they had ever had a violation. Mr. Malanti replied that they had one about eight years ago.

Henry Dane, attorney representing Colonial Spirits outlined their opposition to the transfer and location change requested. He brought up several technical problems with respect to the filing which staff cleared up. He stated his concern that they had indicated a No answer on a question that asked if they had been convicted of a crime, when they admit to being found guilty of a violation eight years ago. He further urged the Board not to approve since the location would not be in the public's interest.

Several people spoke on behalf of the transfer. They spoke about the applicant's fine character as well as it being in the public's interest since they felt the prices were too high at Colonial and that this would induce competitiveness which would benefit the public.

An abutter Mr. Glick was concerned about the potential for hang outs, litter and cost to the Town for police. Mr. Steinberg added that the police on duty at his store are their on private detail, paid by them.

Molly Mink asked why the No answer on the question about being convicted of a crime was still being discussed since they admitted they were found guilty of one violation and asked if Colonial Spirits had ever had a violation. They replied yes.

NANCY TAVERNIER - Moved to approve the transfer and change of location on the application of Acton Beverage Co. Inc. upon proof of citizenship and five page application being amended to reflect the correct answer on being convicted of a crime. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

GOLDEN BULL RESTAURANT LIQUOR HEARING

Holly Lung representing the Golden Bull apologized to the Board and further stated that the waitress that sold to the minor was no longer working for them. They are now only hiring experienced help. The Board asked if they had received any alcohol management training. Holly replied no. The Board urged them to take whatever steps necessary to see that it did not occur again and suggested that they look into TIPS Training. They reminded them of the hard work they did just to get the license and they should take steps to protect it. The Board cautioned them that the Town takes these violations very seriously. The Board asked if they had a liquor serving policy on file. They do in English and Chinese and will remind the waitstaff of these requirements so as to insure no future violations.

NANCY TAVERNIER - Moved to instruct the Town Manager to issue a letter to the Golden Bull expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. WILLIAM MULLIN - SECOND. UNANIMOUS VOTE.

SCHOOL EARLY RETIREMENT INCENTIVE (ERI)

Chairman Lake spoke about the analysis of savings developed by the School Personnel. It appeared to represent an overall savings of \$886.00. He was concerned about signing on to this when the numbers and formulas were not firm. He was concerned that once we were in, the Town would have to participate and was concerned too that the Town side would not have to absorb any costs if the formula changed.

Steve Aronson of the School Committee explained that the School Committee has examined and re-examined the issue at the Regional Meeting. He spoke to the risks and the Board's concerns. The School Committee agreed that there were errors made in the formula and more could be discovered at a later date. He urged the Board's approval. They feel the teachers should be rewarded for their services. In the process new, energized

teachers would be brought on board which would benefit the children also. They understand the financial issues that concern the Townside. They have brought a document with them which would reinforce the School Committee's desire and moral promise to hold the Town harmless in the event that additional monies were required to fund the program. They said that they would fund any unforeseen shortages from School Choice monies which they felt would remain stable for the term of the proposed five year amortization schedule. They intend to pay it off as soon as possible to make it more feasible. He urged the Board's favorable vote on this request.

Bill Mullin asked for someone to go through the memo prepared by school staff so that he could better understand the issue. He asked about unfavorable money conditions and if they could amortize it on a longer schedule. They replied they chose the shortest amortization so the cost would be more effective. The Regional School District is already involved and would require no action on the part of the Board of Selectmen. Mac Reid has reviewed his calculations with their auditor and the auditor is comfortable with it mathematically.

Wayne Friedrichs was concerned with what appeared to be two formulas. Mac and Supt. Zimmerman explained that the two formulas were necessary to reflect health costs and other costs and that the worst case scenario was used in each case to come up with the final cost as it is presented today.

Norm Lake queried why the State would not let people out once they were in the program. He cautioned that the State had a history of changing the rules at the last minute. It was noted that the funds for FY95 might not even be available if the Legislature votes to use them to pay for last year's participants.

Nancy felt comfortable with it because of the written agreement offered by the School Committee which holds is intended to hold the Town harmless. She felt that while it was only morally binding, it would insure no financial impact/hardship would be borne by the Townside to fund this program.

Bill noted he would like the agreement amended to reflect real costs in each fiscal year and the date needed to be changed. Bill Ryan and school staff will amend the document and forward it to the Selectmen.

NANCY TAVERNIER - Moved to accept the ERI Program for the Acton Public Schools. WILLIAM MULLIN - Second. UNANIMOUS VOTE.
CONSENT CALENDAR

WILLIAM MULLIN - Moved to accept the Consent Calendar as printed with #18 held for discussion and additional items added.
- NANCY TAVERNIER - Second. UNANIMOUS VOTE.

#18 Bill noted the grammatical errors contained in the document. He asked that it be proofread and corrected before being resubmitted to the Board. He asked that #5 be clarified to reflect who the permission is to be obtained from and definition of Town land. BILL MULLIN - Moved to send back to Municipal Properties for re-editing. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

New View Neighborhood Development - The Board discussed the second PCRC waiver requested by New View. The Board thought that it was a fifty-fifty issue and felt we should waive the second filing fee. NANCY TAVERNIER - Moved to grant the waiver to New View Neighborhood Development. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

Girl Scouts Court of Honor - Nancy volunteered to attend on behalf of the Board.

Sign request, Friends of the Library - NANCY TAVERNIER - Moved to approve with Highway Supt. review of location. WILLIAM MULLIN - Second. UNANIMOUS VOTE

Sign request, Acton Children's Playground Committee - WILLIAM MULLIN - moved to approve with Highway Supt. review of location. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Appointment - Arts Council - NANCY TAVERNIER - Moved to appoint Susan Richmond for a term of 6/30/95

Appointment - Cable TV Committee - WILLIAM MULLIN - Moved to appoint Henry J. Hogan to fill the unexpired term to 6/30/96.

TOWN MANAGER'S CONCERNS

Transfer Station Fees - The board reviewed the report submitted by the Highway Supt. and John Murray regarding the transfer station and fees associated. They outlined that with action taken at the 94 annual town meeting the felt comfortable level funding the fee for this upcoming year. NANCY TAVERNIER - Moved to level fund the Transfer Station Sticker Fee for FY95 Schedule. WAYNE FRIEDRICHS - Second. UNANIMOUS VOTE.

Kelley's Corner Concentrated Development Center (CDC) - Donna Jacobs outlined the purpose of the request and signature on the letter designating this area a CDC. Donna felt with this designation it would help with MAPC funding for projects.

WILLIAM MULLIN - Moved to expand on Planning Board's recommendation for Kelley's Corner CDC. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Year End Spending - The Board discussed the Town Manager's recommendations for Year End Spending. Don felt that by implementing his recommendations he could make some headway with projects and items that have slid behind like the paving. NANCY TAVERNIER - MOVED to approve the Town Manager's recommendations for Year End Spending - WILLIAM MULLIN - Second. UNANIMOUS VOTE.

Nancy then began to discuss the possibility of putting together a sidewalk program for next year to continue to provide a net work of sidewalks to the center and from the schools. It was felt that to have a plan on the shelf would be beneficial to the Town so that when and if monies became available they could implement them. Don cautioned that it is not that simple because easements must be obtained and that takes time.

NANCY TAVERNIER - MOVED to direct the Town Manager to expend a portion of the \$15,000 on designing sidewalks looking toward providing future networks. BILL MULLIN - Second.. (Motion died)

EXECUTIVE SESSION

None needed

The Board adjourned at 11:15 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(522)

JUNE 3, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

JUNE 7, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 ACTON WINE AND SPIRIT CO. D/B/A LIQUOR OUTLET - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - Enclosed please find staff comment regarding this Site Plan filed by Savory Lane for Board action.
3. 8:05 WEST ACTON VILLAGE PLAN - Enclosed please find staff comment regarding the West Acton Plan for Board discussion.
4. 8:30 ALL ALCOHOLIC BEVERAGE PACKAGE STORE LICENSE - ACTON BEVERAGE INC. 133 Great Road - Enclosed please find a request for transfer of license from Notar's Market to Acton Beverage Co. as well as request for transfer of location from 391 Mass Ave. to 133 Great Road for Board action.
5. 9:00 GOLDEN BULL RESTAURANT - Liquor license violation review.
6. 9:15 SCHOOL EARLY RETIREMENT INCENTIVE (ERI) - Enclosed please find additional materials and the Town Manager's comments for the Board's consideration. Any vote of the board must be made by June 10.

III. SELECTMEN'S BUSINESS

7. New View Neighborhood Development Corp. - Enclosed please find a request from New View to waive a second PCRC Application Fee for Board review.
8. GIRL SCOUTS OF AMERICA - Enclosed please find an invitation from Troop #2001 to attend the Court of Honor being given for Clare Murray and Kirsten Peterson on June 17, 1994 for Selectman assignment.

9. SIGN REQUEST - Enclosed please find a request to post signs on Town property throughout town in conjunction with the Annual Book Sale. Staff comment has been attached for your review.
10. SIGN REQUEST - Enclosed please find a request to post signs on Town Property from the Acton Children's Playground Committee. Staff comment has been attached for your review.
11. ARTS COUNCIL APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Susan Richmond as a full-member of the Arts Council with term to expire 6/30/95 for Board action.
12. CABLE ADVISORY APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Henry Hogan to fill an unexpired term as a full-member of the Cable Advisory Committee with term to expire 6/30/96 for Board action.

IV. CONSENT AGENDA

13. SURPLUS EQUIPMENT - Enclosed please find a request from staff to declare the old voting equipment surplus for Board action.
14. JUNK CAR VIOLATION - Enclosed please find information and a letter for Board signature regarding a Junk Car violation at 28 Willow Street.
15. PROPOSED TIP AMENDMENT - Enclosed please find a copy of a letter drafted by staff for Board approval and Chairman's signature.
16. ACTON HOUSING AUTHORITY - Enclosed please find a copy of an amended filing required by HUD for Board signature. Original copies will be in the signature file on Tuesday.
17. ACCEPT GIFT - Enclosed please find copy of a check to be accepted and applied to the Civil Defense Agency account for Board action.
18. RULES AND REGULATIONS FOR USE OF TOWN LAND - Enclosed please find materials and comment from staff for your approval.

V. TOWN MANAGER'S REPORT

19. TRANSFER STATION FEE SCHEDULE - Enclosed please find staff comment regarding Transfer Station Fee Schedule for FY95 for Board review.
20. KELLEY'S CORNER CDC (Concentrated Development Center) - Enclosed please find staff memo for Board review. Staff will discuss this with the Board on Tuesday evening.

21. Year End Budget Status Report - Enclosed please find the Manager's projected Year End Budget Report and recommendations for Board action.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

June 21 - Crossroads Violation review
Savory Lane - Possible Site Plan Continuation
Atlantic Grill Violation review
David Brown - Interview Full-member Bd of Assessors
July 12 - Papa Gino's Violation review
July 26 -

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 17, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Rules and Regulations/Town Land

We are proceeding to revise the proposed Rules and Regulations for the Use of Town Land in accordance with the suggestions and comments from the Board. These revisions will take some time. Staff will place them back on your agenda when they are ready.

6/17/94

cc: Dean Charter



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 17, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: West Acton Village Plan

I have met with staff regarding the conflicting input you received on this proposed plan. After nearly two (2) hours of discussion, we determined that the purpose and eventual use of this document is still uncertain. This uncertainty has a direct bearing on the comments submitted by staff and the way those comments may or may not have been handled.

As with so many situations, there seems to have been a significant lack of communication.

We will meet with Trey Shupert and try to resolve the questions, issues and misunderstandings before this is resubmitted to you. Roland has agreed that it should be withdrawn for the present, until these issues are resolved. We will place this on your agenda again, when it is in proper form.

cc: Roland Bartl
David Abbt
Garry Rhodes
Tom Tidman
Dean Charter
Doug Halley
John Murray

6/17/94



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 13, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Nextel Communications

Garry Rhodes has forwarded the attached package of communications from Nextel for direction as to how to proceed. I have spoken to Garry and we both agree that we are uncomfortable with the content of the fourth paragraph of Mr. Ozyp's June 6 letter. By copy of this memo to Garry, I am confirming my instructions for him to inform Mr. Ozyp that any negotiations, if they take place, will be at the Board level (either Board of Selectmen or Board of Appeals).

Please advise me if you wish us to follow another course of action.

6/19/94
cc: Garry Rhodes



cc: BOS

TOWN OF ACTON
BUILDING DEPARTMENT

GARRY A. RHODES
BUILDING COMMISSIONER

472 Main Street Acton, Massachusetts 01720

(508)264-9632

June 14, 1994

Josam Ozyp
Project Manager
Nextel Communications
381 "L" Elliot Street
Newton Upper Falls, MA 02164

Dear Josam:

The property at 211 Main Street is owned by the Acton Water District. Nynex Mobile Communications, in 1989, obtained Town approval to construct a 100 foot tower. The Board of Appeals granted a height variance and the Board of Selectmen issued a site plan special permit, #12/15/89-319.

In 1993 Nynex Mobile Communications requested an amendment to their site plan special permit to allow Cellular One too use the tower. The tower was increased to 150 feet by an additional variance from the Board of Appeals and the Board of Selectmen amended their special permit.

You have expressed an interest in also using this tower. In order to do so, you will need to amend the site plan special permit for a second time. It appears, based on our initial conversation, that this height will remain at the current 150 feet.

To amend the site plan special permit, you need to request it in writing. You will need the written approval of both Nynex Mobil Communications and the Acton Water District. There is a \$250 fee for this request. Depending on the complexity of your request, the hearing in front of the Board of Selectmen will take place in approximately 30-45 days and a decision rendered in approximately two weeks.

I hope this information will assist you in your plans. I have attached a copy of the site plan rules and regulations for your review. Please note section 5.12 on amending the permit.

Sincerely,



Garry A. Rhodes
Building Commissioner

/vjs

cc: Town Manager

(426)

Nextel Communications

381 "L" Elliot Street, Newton Upper Falls, MA 02164
617 244-6055 FAX 617 244-6056



June 7, 1994

Mr. Garry A. Rhodes
Building Commissioner
Town of Acton
472 Main Street
Acton, MA 01720

Dear Garry:

Enclosed please find a letter outlining the information you requested during our meeting. Please send me a confirmation of the appropriate steps to pursue in order to amend the existing NYNEX special permit. I need to know what the process is and the expected time frame to accomplish all of our mutual needs.

Thanks for your assistance in this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Josam Ozyp".

Josam Ozyp
Project Manager

JO/kv

Nextel Communications

381 "L" Elliot Street, Newton Upper Falls, MA 02164
617 244-6055 FAX 617 244-6056



June 6, 1994

Mr. Garry A. Rhodes
Building Commissioner
Town of Acton
472 Main Street
Acton, MA 01720

Dear Mr. Rhodes:

Thank you for meeting with Fred Caruso and me on June 3, 1994. As per our discussion, the information you requested follows.

Dispatch Communications of New England, Inc. (Dis Com) is a subsidiary of Nextel Communications, Inc. which was formed as Fleet Call Inc. in 1987. Nextel, Inc. has been authorized by the Federal Communications Commission (FCC) to construct and operate the first multi purpose digital mobile radio system.

The system will operate on a low power, multi site approach similar to existing cellular systems. Digital technology will allow a three to fifteen times improvement in the number of communications carried in a given range. The system will also have the capability for paging and data transmission. The proposed facility will not cause significant impact to the environment or to the area in which it is located. Much attention is given to minimizing any potential effects. The site, once operational is fully automatic, and will rarely need maintenance visits. Our system is a very low power usage, and does not interfere with television, radio or other transmissions. Our facility is in compliance with any and all FCC regulation regarding interference.

As we discussed in our meeting, we are able to provide certain benefits to the Town. We can assist you in updating or installing public safety equipment. For our technical purposes, we cannot provide service to your public safety equipment. We could perhaps provide some equipment other than that for updating your existing system. My colleague, Fred Caruso, will be handling lease negotiation, and can discuss such options with you at that time.

The next step in this process from our perspective is to work with NYNEX, the owner of the tower and holder of the special use permit, to determine that the site will in fact meet our needs while not interfering with other uses. If all of our technical needs are satisfied, we will begin the process of amending the

Mr. Garry A. Rhodes

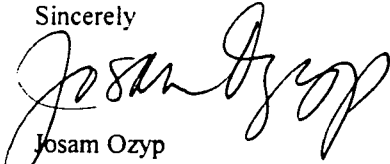
June 6, 1994

Page - 2

special use permit that NYNEX holds. If the site will not meet the needs of the system, we begin searching for a more suitable location.

As I mentioned previously, Fred Caruso will be handling tower negotiations with NYNEX and equipment negotiations with the town. I will be handling details regarding amending the existing special use permit held by NYNEX. Please initiate the preliminary discussions on your end, and advise me as to its progress. If you have any questions, please don't hesitate to call either one of us. I look forward to working with you.

Sincerely

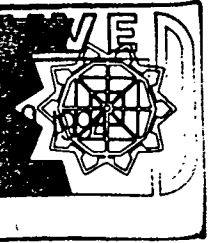
A handwritten signature in cursive script, appearing to read "Josam Ozyp".

Josam Ozyp
Project Manager

JO/kv

cc: BOS

MMA Action



SENATE WAYS AND MEANS ADOPTS KEY MUNICIPAL PRIORITIES: CALL YOUR SENATOR ON THE BUDGET

The Senate Ways and Means Committee has recommended a fiscal 1995 budget, S.1995, that builds on and improves the budget passed by the House in May. *Please call your Senators Today and voice your support for the local aid and education reform sections of the budget highlighted below, and ask for their support for the two further amendments on education reform that the MMA is sponsoring.*

The key municipal priorities contained in S. 1995 include:

- **Full funding of the Cherry Sheet commitments contained in the early local aid resolution.** S. 1995 fully funds education reform at \$189 million, level- funds Additional Assistance at \$467 million, and provides the \$40 million increase in lottery aid. (S. 1995 provides an additional \$5 million increase in lottery funds by eliminating the lottery's advertising budget. We do not know at this time what the long-term effect of this will be and therefore the MMA will be closely monitoring this proposal.)
- **A phase out of lottery cap over five years.** Beginning in fiscal 1996, the \$170 million lottery diversion will be paid down in 5 yearly installments of approximately \$34 million each. Under this provision, similar to the House-adopted version, fiscal 1996 Cherry Sheets should reflect an increase of \$34 million *plus* any new growth in lottery revenues.
- **\$6.5 million for state-owned land.** This would maintain the PILOT line item at the level it has been for the past three years, and is a \$2.5 million increase over the House appropriation. Senator Jane Swift will offer an amendment to increase the line item to \$8 million.
- **A waiver process for education reform.** S. 1995 includes the waiver process MMA supported in the House budget. The measure would allow communities that have faced extraordinary difficulty in meeting their state-mandated school spending increase to apply to DOR for a waiver.

During the budget debate MMA will be focusing on two amendments to the budget:

Circuit Breaker. Senator Henri Rauschenbach will offer an amendment that would provide \$3 million in overburden aid to those communities that spend more of their own resources (property tax dollars) on schools than the statewide per-student average.

School Budget Approval. MMA will sponsor an amendment that would require town meeting or city council approval for that portion of the school budget that is not counted toward meeting state-mandated minimum school spending levels. Cities and towns now

-over-

vote on a lump sum for schools that combines amounts that count toward meeting the state-set minimum spending, and amounts that are not included. Without some budgetary distinction between includable and non-includable accounts, local legislative bodies cannot know if they have voted enough money to meet the spending mandate. This amendment would make sure that school districts will be accountable to local legislative bodies for how their property tax dollars are spent.

The Senate is expected to begin its debate on the budget on Monday and will likely finish its deliberations by early Wednesday morning. Please call your Senator immediately.



Acton Cemetery Department

472 Main Street
Acton, Massachusetts 01720

Office: Woodlawn Cemetery
Telephone: (508) 264-9644

WOODLAWN CEMETERY 1737

NORTH ACTON CEMETERY 1750

MT. HOPE CEMETERY 1841

June 13, 1994

Mr. Edward L. York
8 Greenwood Lane
Acton, MA 01720

Dear Mr. York,

At the June 8th meeting of the Board of Cemetery Commissioners, your request for a monument that exceeds the height limit by six inches was again reviewed and considered.

The motion was made and seconded to leave the original vote unchanged and to abide by the Rules and Regulations.

On behalf of the Board, may I say that we have sincerely tried our best not to add to your burden of grief. It is our duty to respect and protect the feelings of all our lot owners, a duty that we take very seriously.

In consideration of those who have abided by the standards as set, your request for a six-inch height variance for the monument for four-grave lot 109, section 9, Woodlawn Cemetery has been denied. The decision was unanimous.

Sincerely,

Walter E. C. George
Secretary of the Board of
Cemetery Commissioners

cc: Board of Selectmen ✓
D. Johnson, Town Manager
D. Charter, Director of Municipal Properties



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

cc: BOS

FYI

June 14, 1994

Roland Bartl, Planning Director
Acton Town Hall
472 Main Street
Acton, MA 01720

Dear Roland,

Enclosed for your review is the draft preliminary review for West Acton Village. West Acton is recommended for designation as a suburban/rural village center. Would you please review the document and let me know if there are any errors or needed changes. When you are ready, it can be submitted to the MetroPlan Committee for their approval.

Once the document has been approved by the MetroPlan Committee, the next step will be preparation of a mini plan for the village. An important part of the mini plan will be the listing of infrastructure needs for the village. I will contact you as to what those needs are when we get to the mini plan stage.

Sincerely

Kent Stasiowski

Kent Stasiowski

**Acton Village Centers
West Acton
Preliminary Review
Draft 5/23/94**

Proposal

Acton has nominated five areas as concentrated development centers. These areas are North Acton, East Acton, South Acton, West Acton and Kelly's Corner. This review will discuss the West Acton Center. Acton is part of the Minuteman Area Group for Interlocal Coordination (MAGIC) subregion, figure 1. West Acton Village is shown in figure 2.

Recommendation

It is recommended that West Acton Village be designated a suburban/rural center.

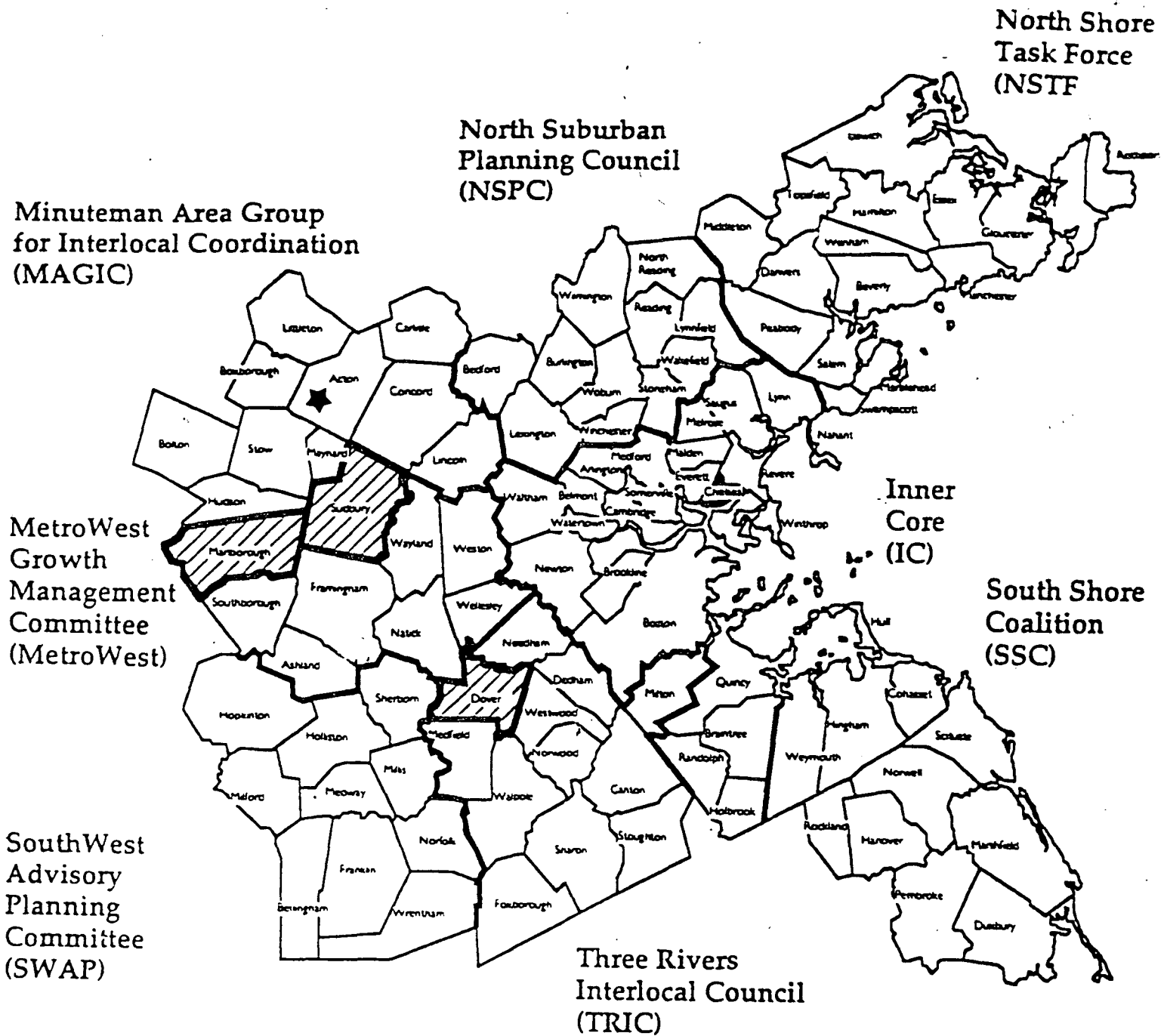
Description of Proposed CDC

West Acton looks like a New England village center. It is located at the confluence of Massachusetts Avenue (Rt. 111), Arlington Street and Central Street. This is a small scale shopping area with the uses geared to convenience needs, such as coffee shops, small grocery store, video store and post office. There are also numerous car repair and auto body shops. There are several civic uses within the village including a church and ball field, a fire station and two elementary schools. Most of the non-residential buildings are free standing, although some along Mass Ave. are attached at the first floor. The majority of the non-residential buildings are one story tall, but there are a few containing two and three stories. Most of the commercial buildings date from the late 19th and early 20th century.

In the commercial area, there is on street parking and some parking lots behind the buildings. All parking is free. The MBTA commuter rail line goes through the center of West Acton, but does not stop. There are sidewalks in the commercial district and in those residential areas immediately adjacent.

There is a diversity of housing in the West Acton neighborhood. There are historic large single family homes on small lots and new and old two family and townhouse developments. There are residential uses located above retail within the commercial core and scattered throughout the village.

There are approximately 700 dwelling units within 1/2 mile of the Mass. Avenue/Central Street intersection. The two elementary schools are located at the edge of the village. Within a mile of the center there are an additional 800 dwelling units. These units do not have sidewalks linking them to the town center.



Subregions of MAPC



 Communities in more than one subregion

Figure 1

 Proposed CDC

Streets
& Ways
Lot Lines
Stone
Walls

Buildings



SCALE
1"=750'

1993
Town of Acton
Planning
Department

Figure 2 West Acton
Village Planning Area

West Acton is served by public water, but there is no public or private sewer. All sewage is handled by individual septic systems. It is anticipated by the Acton Planning Department that in order to accommodate future growth, a centralized sewage treatment facility will be needed.

Demographics

Acton is increasing in population. Its 2% increase between 1980 and 1990 was higher than the 1.3% for the region as a whole, but less than the 5% recorded for the MAGIC subregion, Table 1. Acton is anticipated to continue to grow and for that growth to be substantially higher than that for the region and somewhat higher than that of the subregion.

Table 1
Population Change/Projections - MAPC Statistics

	1980	1990	2000	2010	2020	% chg 80 - 90	% chg 90 - 2020
Acton	17,544	17,872	18,845	19,136	19,328	2.0	8.0
MAGIC	132,653	139,532	146,655	148,646	149,182	5.0	7.0
MAPC	2,884,712	2,922,934	2,961,274	2935,336	2,906,529	1.32	-.56

In 1990, employment was approximately 9,500 and is projected to increase to 15,100 by the year 2020, Table 2. This projected employment increase of 59% is substantially higher than the 8% increase predicted for population growth.

Table 2
Employment Projections - MAPC Statistics

	1990	2000	2010	2020	% chg 1990-2020
Acton	9,500	11,300	14,000	15,100	59%
MAGIC	81,800	98,600	117,000	118,600	45%
MAPC	1,715,630	1870,040	2,019,640	1,979,250	15%

Acton represented 12% of subregion employment in 1990 and is projected to represent 13% of subregion employment in 2020. Other major employment centers in the MAGIC Subregion are:

	1990 emp	% of subregion
Marlborough	20,800	25%
Concord	11,800	14%
Sudbury	9,800	12%

Table 3 provides a comparison of the income and employment characteristics of Acton, the MAGIC subregion and the MAPC region. As can be seen in the Table, Acton has a very high median household income, higher than that of the subregion or region. In the other categories it is similar to that of the MAGIC subregion in that both have a higher percentage of owner occupied housing than the region, both have more employed residents/household, and both have fewer persons with incomes below poverty level.

Table 3
Income and Employment Characteristics - 1990 Census

	Median Household Income	% Owner Occupied Housing Units	Employed Residents/ Household	Persons Below Poverty
Acton	\$61,394	70.5%	1.55	2.27%
MAGIC	\$54,233	70.7%	1.51	3.40%
MAPC	\$40,775	55.5%	1.39	8.36%

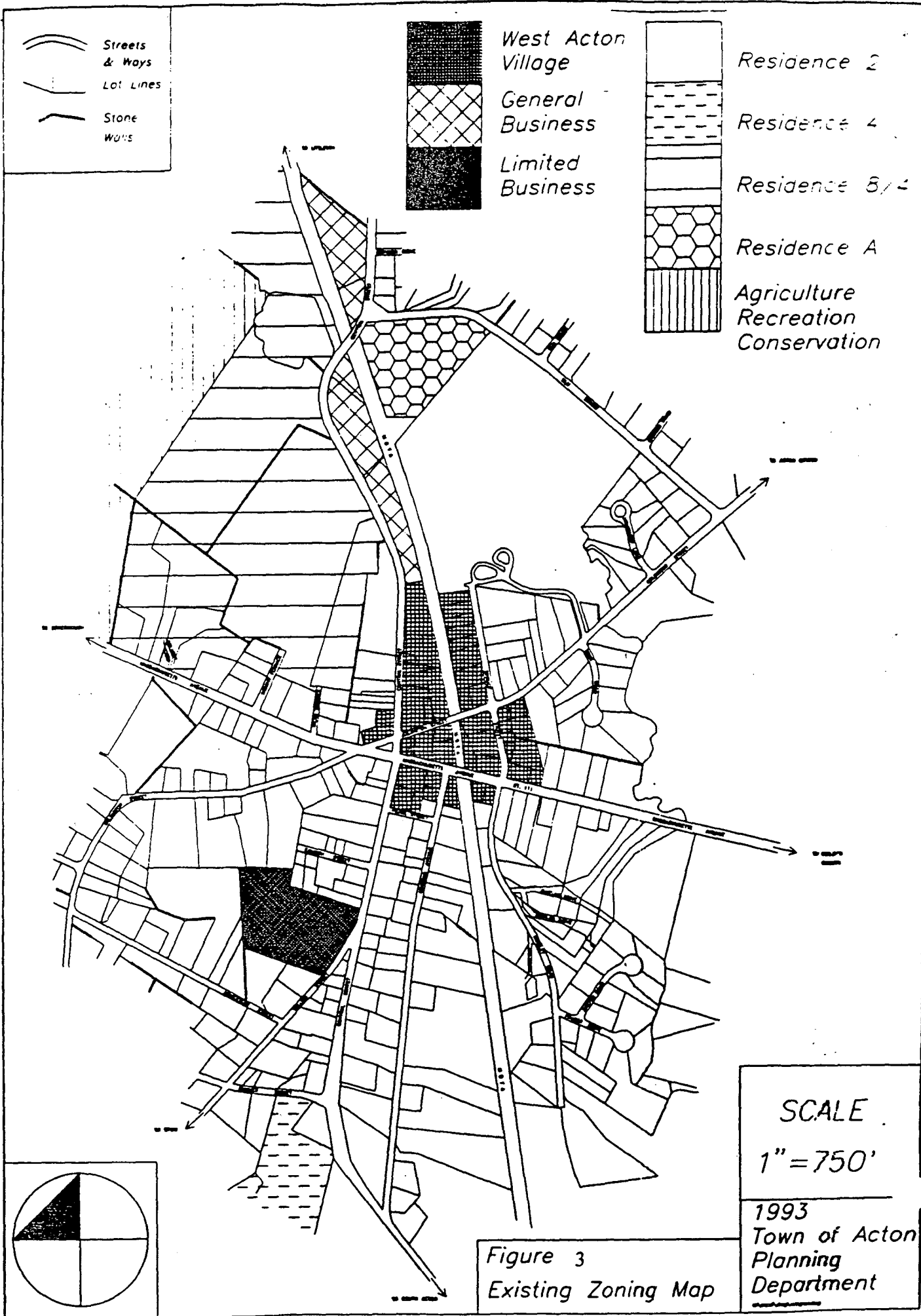
Zoning

Prior to the April 1994 Town Meeting, West Acton was zoned as shown in Figure 3. The center of the village was zoned West Acton Village (WAV) and was surrounded by traditional single family zoning. The two most common residential districts were R 2 and R 8/4. R 2 requires a 20,000 square foot lot area, lot frontage of 150 feet and a front yard of 30 feet. R 8/4 requires an 80,000 square foot lot area, lot frontage of 200 feet and a 45 foot front yard.

Neither residential district allows commercial or office uses. Both allow the creation of accessory dwelling units if the property owner lives in one of the units. Existing structures built before 1971 can be converted to up to 4 dwelling units if there is 10,000 square feet of land area for each dwelling unit and if special permit approval is given by the Board of Appeals.

Figure 4 shows the new zoning map for West Acton Village. The most dramatic change is the creation of a new Village Residential District (VR) which now surrounds a slightly smaller WAV district. A General Business zone was eliminated and converted to VR. A Limited Business zone was eliminated and converted to WAV and to R 2.

As described by the Acton Planning Department, "The Village Residential District is tailored to West Acton Village's individual characteristics which include single family homes on narrow lots, duplexes, multifamily dwellings, large antique homes on small lots and some homes with small businesses in them and will maintain the character the village, a goal of the West Acton Village Plan."



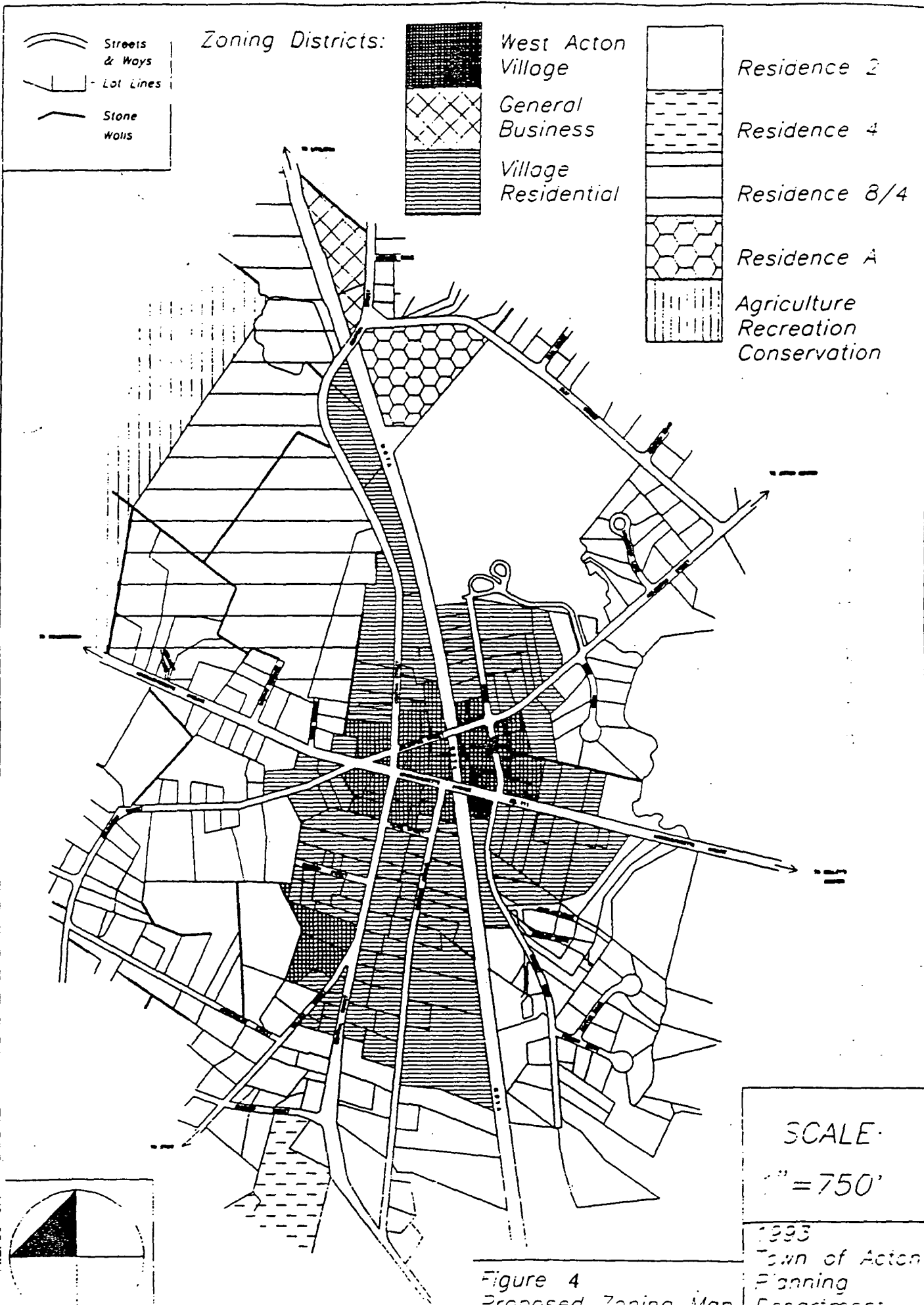


Figure 4
 Proposed Zoning Map

The VR zoning requires a 15,000 square foot minimum lot area, 50 feet of frontage and a minimum front yard of 10 feet. According to the planning department, under the previous zoning almost 70% of the lots had less than the required frontage and 60% did not meet the minimum area requirements. Under the new VR zoning only 10% of the lots are non-conforming due to frontage and 42% due to area.

Other significant aspects of the VR zoning are the allowance of retail and office uses within a residential structure and the eased rules on the creation of multi-family units. Business uses (retail store, office, restaurant, veterinary care etc.) would be allowed in residential buildings subject to a 500 square foot size limitation. The business need not be operated by building resident, but the building's owner must reside in the building.

Multi-family dwellings of up to 4 units would be allowed by special permit. This would apply to new construction as well as to conversions. There is no minimum lot area requirement per dwelling unit, but there is a requirement that the building owner live in one of the units.

The WAV district was modified in order to allow an increase in density and to encourage more residential development. Under the new zoning; residential uses, even multi-family are allowed as a matter of right. The front yard requirement went from a minimum of 10 feet to a maximum of 10 feet. The side yard requirements were eliminated and the floor area ratio was increased from 0.20 to 0.40, with a maximum of 0.70 if at least half of the additional floor area is residential. The new zoning also includes a minimum building height of 20 feet and retains the maximum building height of 36 feet.

Transportation

Transportation statistics are available only on a town-wide basis. There is no means of disaggregating them to reflect only the West Acton Village area. With that in mind, it must be understood that the numbers due not reflect exactly the probable commute situation in West Acton

Most Acton residents drive alone in their car to work, Table 4. (The Table shows the mode of transportation used for the longest portion of the trip, since most people use at least two modes *i.e.* driving and walking). Acton's drive alone percentage is comparable to that of the subregion, but considerably higher than that of the region. Acton has low percentages on the use of car pools, bus and rapid transit, but does exceed the subregion and region in the percentage of commuter rail usage. There is one Acton commuter station located in South Acton. The town would like to open a second station in West Acton.

Table 4
Primary Transportation Mode to Work for Residents*
 (Commute to Work from Place of Residence)

Place of Residence	Drive Alone	Car Pool	Bus	Rapid Transit	Commuter Rail	Other
Acton	86%	8%	.3%	.2%	3%	2%
MAGIC	85%	10%	.3%	.2%	2%	3%
MAPC	68%	10%	5%	7%	2%	8%

* numbers may not add to 100% due to rounding.

Table 5 shows the primary transportation mode for persons whose place of employment is in Acton. As can be seen by the figures, the driving alone percentages are higher and the use of transit even lower for persons whose place of work is in Acton versus those persons who commute to work from their residence in Acton. The one bright spot is that car pooling to employment in Acton is higher than even the regional percentage.

Table 5
Primary Transportation Mode to Work for Employees*
 (Commute Based Upon Place of Employment)

Place of Work	Drove Alone	Car Pool	Bus	Rapid Transit	Commuter Rail	Other
Acton	87%	12%	0%	0%	.1	2%
MAGIC	87%	10%	.3%	.2%	.2%	3%
MAPC	68%	10%	4%	7%	2%	9%

* numbers may not add to 100% due to rounding.

An explanation of the divergence in commuting trends for persons who live in Acton and for persons whose place of employment is Acton can be found in Table 6

Table 6
What Are the Most Popular Destinations
Based Upon Place of Work and Place of Residence

<u>Place of Work</u>			<u>Place of Residence</u>		
People who live in Acton			Place of employment is in Acton		
Acton	2139	22%	Acton	2139	22%
Concord	907	9%	Maynard	460	5%
Boston	729	7%	Littleton	439	5%
Cambridge	483	5%	Westford	379	4%

For persons who live in Acton, the largest group (22%) also work in Acton. The next largest group are those who work in nearby Concord. The next two largest groups are Boston and Cambridge with a combined percentage of 12%. These two cities are served by commuter rail, express bus and by rapid transit (if one were to park at the Alewife station). Persons who live in Acton, but work in Boston or Cambridge probably represent most of the transit users in Table 4.

There are striking differences between the places of work for Acton residents and the locations of the homes of the people that work in Acton, Table 7.

Table 7
Location of Employment/Residence by Subarea
Based Upon Place of Work and Place of Residence

<u>Place of Work</u>		<u>Place of Residence</u>	
People who live in Acton		Place of employment is in Acton	
MAGIC	45%	MAGIC	44%
Inner Core	20%	Inner Core	7%
Rt. 128	16%	Rt. 128	4%
I-495	5%	I-495	8%
Other	14%	Other	37%

For persons who live in Acton, the primary commute is to another MAGIC community. The next most popular destination is the Inner Core and then the Rt. 128 area. Acton residents are primarily commuting east towards Boston and the large employment centers in the Boston suburbs. In contrast, for those persons employed in Acton, the next largest category after MAGIC is Other. The Other communities are scattered all over the region and include commuters from Rhode Island and New Hampshire. However, a surprisingly large number of the commuters live in small towns to the west and beyond I-495. Due to the small number of commuters from any given town, it would be difficult to accommodate them using transit. The fact that many are commuting relatively long distances probably accounts for the large car pooling numbers shown in Table 5.

Future Development

West Acton is not a major employment center within Acton. There are no large office parks existing or planned for the future. Current employment was estimated by the planning department to be around 320 persons, with a potential growth at buildout reaching 500 to 700 persons.

Future development within West Acton Village is expected to be an intensification of what already exists. There will be more multi-family development and additional commercial development with residential uses on the upper floors. However, every lot within the village cannot be intensified in use. Some of them, such as a few of the stores along Massachusetts Avenue, are already built out at a FAR larger than currently

allowed. There are also many residential lots that could have been expanded from single family to multi-family under the old zoning. So the increase in zoning flexibility will not necessarily cause those lots to change in character.

If there is to be any brake on further development within the village, it is most likely to be the current reliance upon septic systems. Acton has no public sewer system. Figure 5 shows the range of septic suitability of the soils within the village. As can be seen, a large area is ranked as being low and very low and the center of the village is not rated. The West Acton Village Plan discusses the need to consider either a central treatment plant or shared septic leaching fields in order to meet future needs.

Housing

As of the 1990 Census, Acton had 6600 dwelling units. Of those 6600 dwelling units, 270 are classified as complying with Chapter 774 requirements. None of these affordable units are located within the village. However, a portion of the village is included in two affordable housing overlay districts, Figure 6. In Sub-District A minor affordable housing complexes may be built and Sub-District B allows minor and major complexes. Minor affordable housing developments are required to be built as cluster development and may earn up to a 25% density bonus. Major developments can earn up to a 40% density bonus.

Compliance With MetroPlan 2000 Criteria

Criterion 1. Residential and commercial development are mixed.


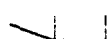

West Acton Village contains a mixture of residential and commercial uses.




Criterion 2. Residential development within the community is 10% affordable or a plan exists for achieving this goal.

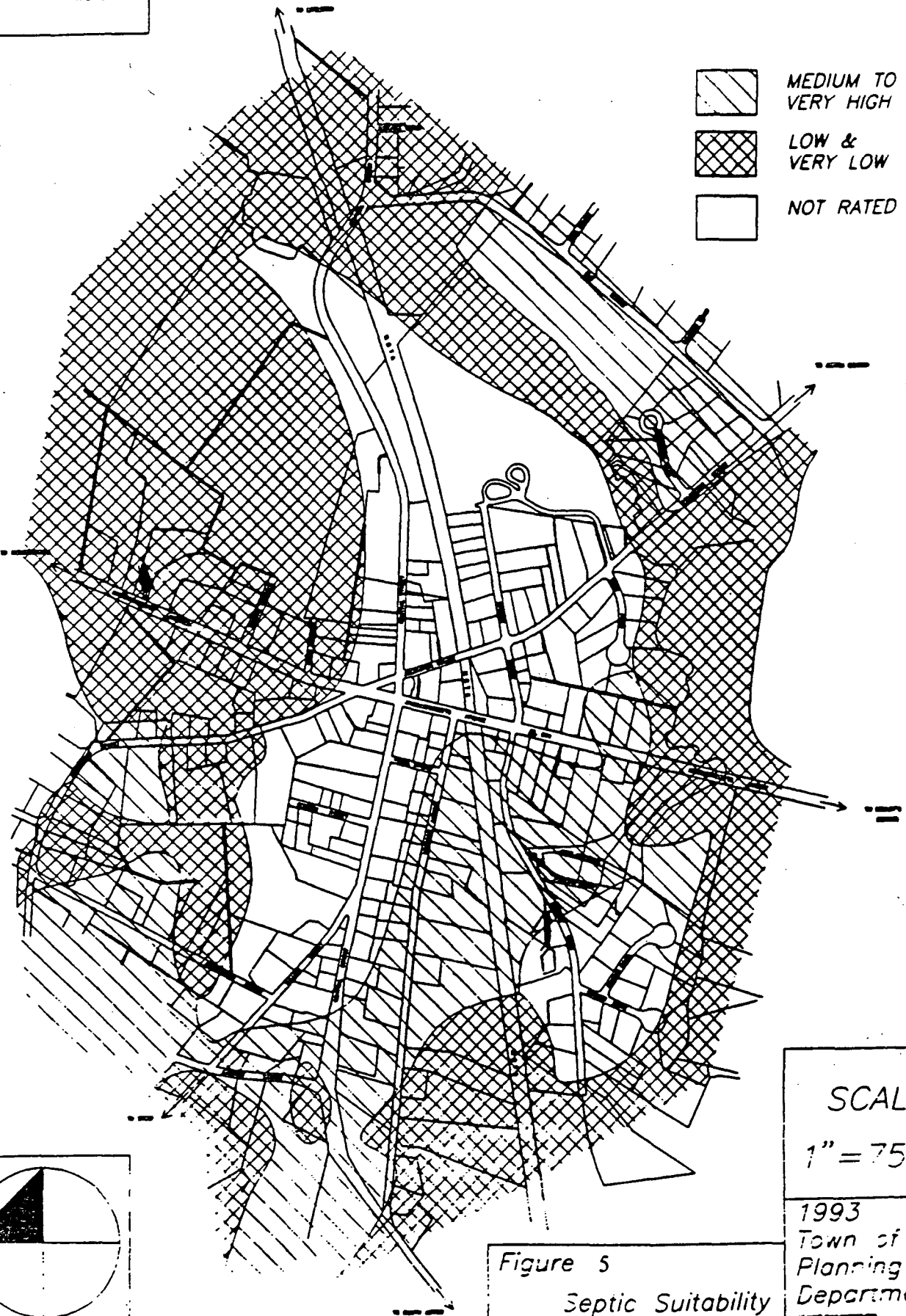
There is no affordable housing that complies with the Chapter 774 guidelines within West Acton Village and the town does not meet the 10% standard. However, the town does have an ambitious plan for creating more affordable housing and meeting the 10% standard.

Criterion 3. The proposed center should include housing or should include a "linkage" plan which provides housing nearby, provides funds to create or preserve housing nearby, and/or provides public transportation to existing housing nearby.

The proposed center includes housing.

 Streets & Ways
 Lot Lines
 Stone Walls


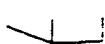

 MEDIUM TO VERY HIGH
 LOW & VERY LOW
 NOT RATED



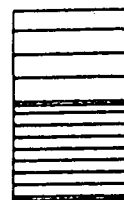
SCALE
 1" = 750'

1993
 Town of Acton
 Planning
 Department

Figure 5
 Septic Suitability

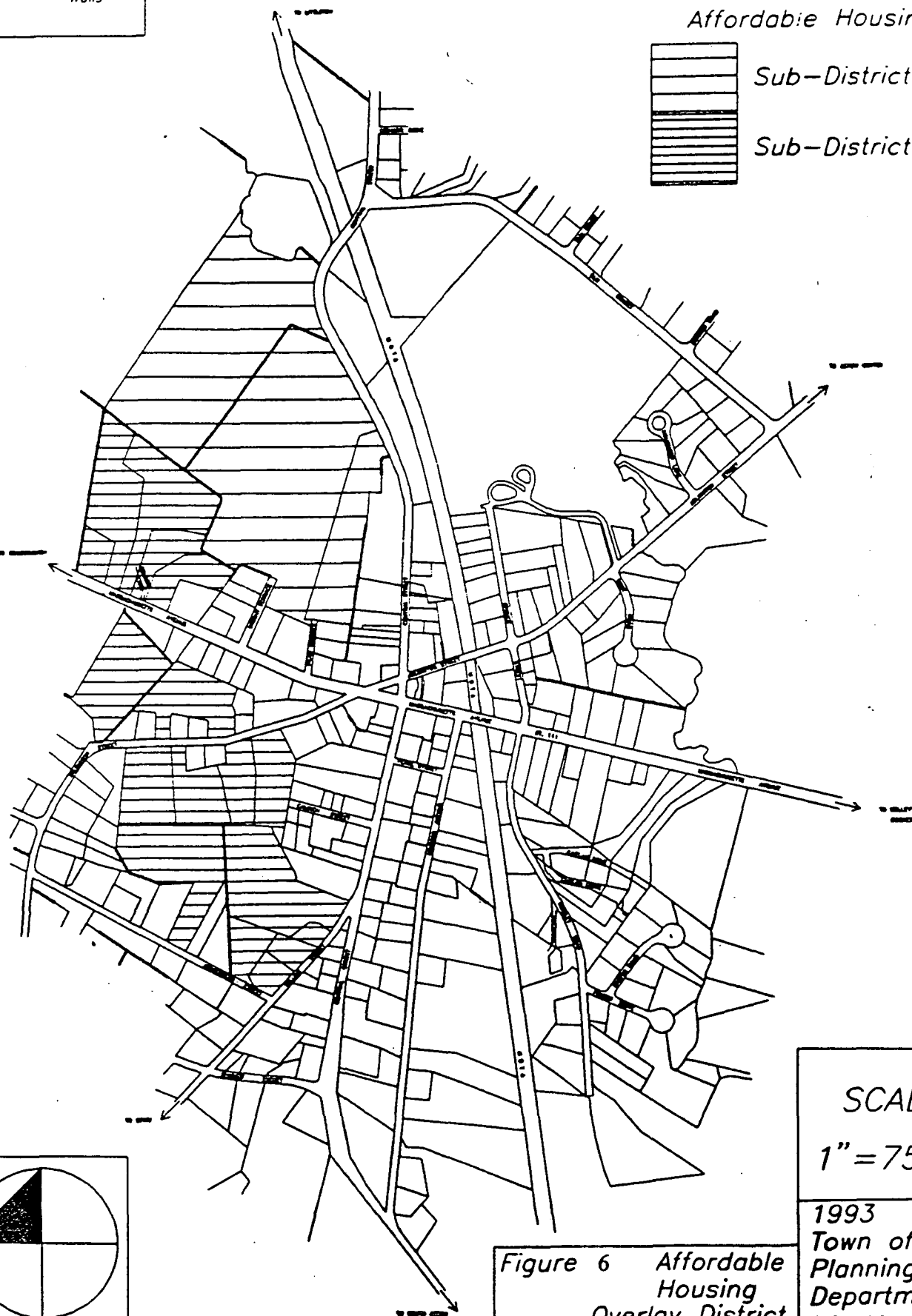
 Streets & Ways
 Lot Lines
 Stone Walls

Affordable Housing



Sub-District A

Sub-District B



SCALE

1"=750'

1993
 Town of Acton
 Planning
 Department

Figure 6 Affordable
 Housing
 Overlay District

Criterion 4. The housing so provided should serve a variety of income levels and provide a diversity of housing opportunities (e.g., small vs. large, rental vs. home ownership, special needs).

The housing provided serves a variety of income levels and provides a diversity of housing opportunities.

Criterion 5. The amount, type and cost of the proposed housing should strive to redress existing imbalances in local and regional housing needs, including working toward a rational jobs:housing balance for a "commutershed" to be determined on a project-by-project basis. The net change in housing after the center is created should represent an improvement in providing a balance of housing opportunities.

The newly adopted Village Residential zoning should increase the amount and diversity of housing within West Acton. The 1980 jobs:housing balance was 5,365 jobs to 6309 housing units or .9, the 1990 jobs:housing balance was 9,395 jobs to 6,891 housing units or 1.4 jobs for every housing unit. Jobs and housing are deemed to be in balance when there are 1.5 jobs for every housing unit. Acton jobs and housing are in balance.

Criterion 6. Public transportation services are available or feasible.

There are no public transportation services within the center. However, the town would like to develop a commuter rail stop in West Acton. Until a commuter rail stop can be developed the town is investigating the feasibility of running a shuttle bus between West Acton and the South Acton commuter rail station.

Criterion 7. Design and location of center contributes to reduction in auto-dependent travel.

The design of the center is very walkable. The commercial center is well served by sidewalks and uses are located close together. The commercial center is surrounded by residential neighborhoods that are relatively compact and within a short walk of the core.

Criterion 8. Development will not have a negative impact on any critical enforcement areas listed under Land Resources Protection Area.

Within the West Acton Village boundaries there are areas of open space, flood plains and important ground water resources. Portions of the village are within ground water protection districts 3 and 4. Development is permitted in these districts, but the town is considering restrictions on businesses that utilize hazardous wastes such as automotive repair and gas stations.

Criterion 9. Adequate water and sewer capacity exists or is proposed to accommodate any additional proposed development.

There is adequate water, but future sewer capacity is in question. There are no public sewer systems within the Town of Acton. Future growth within West Acton and some of the other Acton villages may depend upon the development of some sort of centralized sewage treatment facility. Determining which type of sewage treatment facility is appropriate is a future task of the town.

Criterion 10. Proposed or existing zoning allows for proposed development.

The existing zoning allows for the proposed development.

cc: BOS

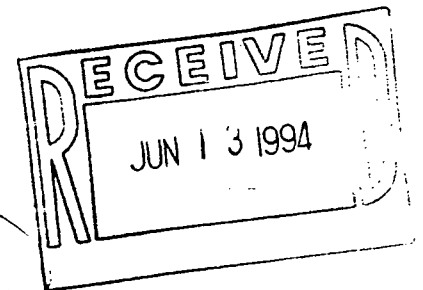
**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MEETING**

Room #114
R.J. Grey Junior High

June 16, 1994
4:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. REVOTE REGIONAL REVENUE, FY'94
- III. SCHOOL COMMITTEE WORKSHOP
- IV. ADJOURNMENT



ACTON SCHOOL COMMITTEE
MINUTESLibrary
Junior High School

May 23, 1994

Members Present: Micki Williams, Stephen Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer, Lees Stuntz.

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens and press.

The meeting was called to order at 6:30 p.m. by Micki Williams, Chairperson.

I. Impact of the Loss of the Override on the Acton Schools

a) Public Participation

- Charlene Twente, McCarthy-Towne Grade 2 teacher, said her biggest concern was what cutting Art, Music and P.E., K-2 says about the value of all K-2 teachers and students. McCarthy-Towne's integrated art program will be ruined. She suggested that the each school be allowed to determine how the money can best be used.

- Nancy Savage, Douglas parent, thought art, music and P.E. brought out the best and made for well-rounded students. She offered a proposal to provide services at a lower cost. From others who have called the Department of Education, she understands that we are not in compliance with the state's P.E. requirement. Dr. Zimmerman said that many schools in the state are not in compliance, and that it is a matter of priorities with limited funds.

- Julia Burkett, Douglas parent, felt that cutting K-2 Art, P.E. and music was an outrage and made us look very ignorant. She felt there must be funding somewhere. Micki said we did not have much leeway regarding what to cut. Unfortunately we will be facing overrides in the years to come and we may have to cut more programs. Dr. Zimmerman explained that the cuts were determined by a process of meetings between administrators and staff. One consistent message given by the community is the priority of low class size. For this to continue, programs must be cut. Other items (than Art, Music and P.E.) were cut as well. Art, Music and P.E. were seen as intermittent support programs compared to classroom teachers, who have daily constant contact with students.

- Mary Jane Merrill, president of the AEA and first grade teacher at Gates, said that staff were never polled about these cuts. She thinks K-2 teachers would have agreed to having a few more children in their classes rather than cut art, music and P.E. This foundation is extremely important and you don't cut at the beginning. She suggested that instrumental music could be supported by parents, rather than funded by the appropriated budget.

- Marilyn Leeds, McCarthy-Towne parent, thought the only alternative was to make necessary cuts and looks at the issue of private funding to help put pieces back in the curriculum.

- Doré Hunter, selectman, reported on the demographics of the voter turnout; it seemed to be a representative cross-section of the population.
- Debbie VanLangen, parent, thought we should undertake a joint funding effort for all schools. With the school committee's permission, she will organize a walk-a-thon the last weekend in June, the proceeds to be divided proportionately (enrollment) among the schools.

b) School Committee Discussion

• Micki said that all the committee feels the same way as those present. The Committee has decided not to reconsider or change the cut list. We need to stick with what we said we would do. There is no good solution and the committee has tried to do what will damage the kids the least.

• Pam said that we have a choice of raising class size or cutting programs. Small class size is a priority.

• A citizen asked why instrumental music remained intact and how many staff were involved. Mac said that it represented about a half a position. Dr. Zimmerman said that it was not cut because it provided the base/feeder program for the rest of the music curriculum, 7-12. Some citizens felt it should be cut because it is an elective.

• Lees reiterated that all the school committee members were upset with the override failure. We are trying to do our best for the kids. The School Committee should listen to parents who have offered to help and come up with constructive solutions.

• Steve said that class size has always been sacrosanct. He felt that adversarial meetings are not in the best interests of the town. The schools have always been very innovative, and have been able to avoid painful cuts. We must operate differently now and cut costs. We cannot change our cuts; only if additional savings are found can we restore items. He suggested reexamining the following areas:

- Buildings and grounds - Can we continue to open schools on time if crews have to go to work at 2 a.m. to plow? If it would reduce costs to open at a later hour, we should consider it.
- Transportation issues- if there are areas where we are not making money, can we cut costs there ?
- Food services - now making money - but still look at ways to cut costs
- Merriam leadership
- Central office reorganization
- School/business partnerships
- School/town partnerships
- Changing payback schedule on energy promises to the town
- Shift more programs to Community Education
- Relief from heavy insurance costs on the part of staff
- Assessing time and cost factor of staff providing information services to community.

- Rick asked those present if there were any comments on other cuts on the list. Wendy Campbell said the loss of the library person was very significant. Deborah Boisvert thought it was unconscionable to get rid of a reading specialist.
- Jean asked Bill, regarding a community fundraiser if we could start a revolving account. Bill said it could be done via a gift account. Pam commented that it looked as though an Education Foundation might be the way to go.
- Dr. Zimmerman will talk with Debbie about the Walk-A-Thon, suggestions, although she feels strongly that the public as a whole must be responsible for funding education, rather than individual groups. She feels positive that the event is non-competitive and helps all students.
- Micki added there will be fundraising efforts at the high school. She worries about asking the community for too much, too often.
- Lees thanked Debbie for offering to organize the walk-a-thon. It is a great idea and she appreciates the effort parents put into the schools. She added that the educational foundation's time has come.
- Marcia Epstein, parent, said the perception in town is that things are going very well - it's important to let public know how much is funded by grants, etc.
- Karen Sharpe, Gates PTO, asked who the parents can look to for leadership in each building. We need to set up a partnership. Dr. Zimmerman suggested that the principal of each building be that person, and that they need to think together about reasonable alternatives and guidelines for parents to work with. She plans to produce a document before school ends.
- Lees was concerned that Charlene Twente's concern was not addressed re: schools delivering services in different ways. Dr. Zimmerman said she has spoken to Parker about this issue, as well as other principals.
- Dr. Zimmerman stated that if we receive additional funds, the administration will make a recommendation to the school committee as to what should be restored.
- Debbie VanLangen emphasized the necessity of a team effort.
- Paul Epstein suggested that more aggressive, advanced planning to sell the override be done next year. Jeff McHarg said the community group did a few things this year, but felt it would be better to be low key and not provoke bad feelings.

Four School Committee members revised the press release re: the impact of the loss of the override.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

cc: BOS

ACTON SCHOOL COMMITTEE
MINUTES

Library
Conant School

May 12, 1994

Members Present: Stephen Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer, Lees Stuntz, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens.

The meeting was called to order at 7:45 p.m. by Dr. Zimmerman, Superintendent.

ELECTION OF OFFICERS

It was moved, seconded and unanimously

VOTED: To appoint Micki Williams as Chairperson of the Acton School Committee, 1994-95, effective immediately.

It was moved, seconded and unanimously

VOTED: To appoint Rick Sawyer as Secretary of the Acton School Committee, 1994-1995, effective immediately.

It was moved, seconded and unanimously

VOTED: To appoint Bunny Lawton as Secretary pro tempore of the Acton School Committee, 1994-1995, effective immediately.

The chairperson welcomed all those present and reviewed the agenda items to be discussed.

MINUTES: The minutes of March 31, 1994 were approved as written.

WARRANTS: Warrant #93-116 in the amount of \$166.50 and warrant #94-017 in the amount of \$40,854.84 were signed by the chairperson and circulated to rest of the committee.

PUBLIC PARTICIPATION: None

OLD BUSINESS:

1. Revote FY'94 Budget

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the total budget for the Acton Public Schools for the fiscal year July 1, 1993 through June 30, 1994 be set at \$9,160,034 as approved at the 1993 Acton town meeting.

This figure represents a reduction in this year's budget by \$48,562, due to the Department of Revenue's recent approval of a waiver of Education Reform legislation requirement for FY'94.

2. Distribution of Materials - Second Reading

It was moved, seconded and unanimously

VOTED: To approve the policy as read, with suggested changes to the procedures.

NEW BUSINESS:1. Leaves of Absence Policy - First Reading

The policy was read by Dr. Zimmerman. There will be a second reading at the June meeting.

2. Acceptance of Computer Gift from Sanford Shapiro

It was moved, seconded and unanimously

VOTED: To accept the gift of computer hardware, valued at approximately \$550, from Sanford Shapiro of Acton.

3. Acceptance of Computer Gift from Robert A Johnson

It was moved, seconded and unanimously

VOTED: To accept the gift of computer hardware and software, valued at approximately \$725, from Robert A. Johnson of Acton.

4. Acceptance of Furniture Gift from Terry Potter

It was moved, seconded and unanimously

VOTED: To accept the gift of furniture, valued at approximately \$1,800, from Mr. Terry Potter, Advanced Modular Solutions in Acton.

5. Student Field Trip Requests

It was moved, seconded and unanimously

VOTED: To approve the following field trips:

- Conant School's 4th grades to Cape Cod Sea Camps in Brewster, MA, June 1-3, 1994;
- Merriam School - Dan Losen's grade 3/4 class to Mt. Monadnock, June 8-10, 1994;
- McCarthy-Towne - Robin Kynoch's 5th grade class to Camp Cedar Hill in Waltham, June 14-15, 1994;
- McCarthy-Towne - Debbie Hess' 4th grade class to New England Science Center in Worcester, June 16-17, 1994;
- McCarthy-Towne - Jane Lifton's 4th grade class to Camp Virginia in Bolton, June 15-16, 1994; and
- McCarthy-Towne - Joe McInerney's 5th grade class to Camp Favorite in Brewster, MA, June 15-17, 1994.

Steve Aronson and Micki Williams felt the School Committee should continue to vote on field trip requests because of possible liability and insurance. He asked if there were any hardship cases. Parker said there were no requests for financial assistance this year. Steve suggested that more detailed plans accompany the field trip requests in the future.

FOR YOUR INFORMATION

- Micki Williams encouraged everyone to vote on May 17. The only article is the local schools' budget override of \$397,272. This amount was approved in the April town meeting, but must be voted on in this special election. Micki read the list of the cuts to be made if the override fails.

- Dr. Zimmerman referred to :
 - the local education fund which we will start working on in June. It would have to be approved at town meeting if we want a tax write-off box.
 - update on the Merriam principal search process. The committee of 11 consists of: three parents, three teachers, two students, one support staff member, one school committee member and the superintendent.
 - congratulations to Michele Tamaren, special educator at McCarthy-Towne for being recognized in "Who's Who in American Education."
 - invited all to attend the Health Education Forum, June 18, 7:30 p.m., JH Auditorium
 - school community participation in eclipse viewing
 - kindergarten enrollment update - 274 are registered so far
 - new Integrated PreSchool at Merriam will open this fall for children ages 3-6, both with special needs and those who are developing typically. The Pupil Services office has applications.
 - Early Retirement Incentive Program - Mac is working with the AEA to see if it is feasible. The cost to the region will not be too great; the cost to the local will be significant. Steve Aronson urged that we ask the Acton Selectmen to vote on the issue at the latest possible date.
- Micki congratulated the Gates School faculty on their delightful original play production.

WARRANT DISCUSSION: No questions

CONCERNS OF THE BOARD

- Pam Harting-Barrat reported that Jan Edry from ACCORD had called to say the "VOTE NO" signs posted around town were not the work of that group.
- Jean Butler referred to a letter from the SPED/PAC organization, expressing interest in having input in the selection of a new elementary SPED chairperson. Dr. Zimmerman has spoken with several members of SPED/PAC and appreciates their concern.
- Rick Sawyer asked if we had any results regarding the success of combined class levels, i.e., 3/4, 4/5. At Gates they seem to have been well received.
- Micki asked about the last day of school. Dr. Zimmerman has written to the Commissioner and is expecting a response soon.
- Jean asked if we keep track of monetary gifts to the schools. Bill said we do - anything that goes into revolving accounts can be tracked.
- Steve questioned the value of our membership in MASC based on a meeting he had just attended and recommended that we not rejoin.

NEXT MEETING: June 9 - 7:45 p.m., Junior High School Library

The meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Sarah T. Lawton

Secretary pro tempore

ACTON SCHOOL COMMITTEE
MINUTES

CC: BOS

Library
Junior High School

March 31, 1994

Members Present: Lees Stuntz, Stephen Aronson, Jean Butler, Rick Sawyer, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens.

The meeting was called to order at 9:15 p.m. by Lees Stuntz, Chairperson.

The chairperson welcomed all those present and reviewed the agenda items to be discussed.

The minutes of March 3, 1994 were approved as amended.

OLD BUSINESS:

1. Review/Revote FY'95 Budget

Dr. Zimmerman referred to a March 16, 1994 letter from Don Johnson, Town Manager, regarding the status of the waiver request from the State Department of Revenue. The waiver has just been granted (verbally) this week. Application for the waiver was made in September, but because the balance sheets were not submitted until recently, the decision was delayed until now. With this waiver the schools' would not be required to spend the addition monies required by Education Reform. The Selectmen have agreed not to ask the schools to change their budget at this late date. There was a question as to how this would affect next year's base; Bill Ryan said the base would be this year's budget. No action will be taken on Article 12 (dealing with Ed Reform monies) on the town meeting warrant. The School Committee will have to revote the budget at a later date. Steve Aronson asked what we are losing without the \$48,000. Bill said approximately \$12,000 was allocated to the Merriam library and the rest used to deal with reduced School Choice income. It was also pointed out that the regional school committee has reduced the FY'95 assessments by an additional \$104,000 below the requirements of educational reform. Further reductions in the proposed regional budget were made in SPED transportation of \$10,000 and debt service was reduced by \$10,000. Approximately \$875,000 of school choice revenue was used in FY'93 and FY'94 to reduce educational costs to the towns. There will be no action taken at the Acton Town Meeting on Article 19 (Blanchard chimney repair) as it will be taken out of the town's reserve fund. The chairman of the finance committee has approved this transfer.

2. Early Retirement Incentive Update

The state early retirement incentive program was reviewed at the regional meeting by Mac Reid. Unlike the regional schools, participation in the program must be approved by the School Committee, the Selectmen and the Town Meeting. The Superintendent wants a side letter of agreement which states that a teacher may participate in only one program, the state ERI or the AEA Early Retirement contract terms. Legal counsel will be consulted as to what is necessary. The Acton Finance Committee agrees to the program philosophically, but is concerned about the town's financial risk if the state reneges on payment. Mac said it would be the school's (or MTRB's) responsibility, not the town's.

It was moved, seconded and unanimously

VOTED: To participate in the Early Retirement Incentive program as presented.
A side letter of agreement will be included regarding teachers participation in only one program (legal counsel will be consulted).

NEW BUSINESS:

1. Leave of Absence Policy - First Reading - removed from agenda
2. Revised Distribution of Materials Policy - First Reading
The policy will be voted on at the next School Committee meeting

PUBLIC PARTICIPATION:

- Mary Jane Merrill invited everyone to the Gates School faculty play (written by Peter Hildebrand) on April 13, 14 and 15.
- A citizen asked how many classroom sections there are, K-6. Mac said there are 84, and we are looking at 88 for next year.
- Claudia Abramson, art teacher, expressed concern about the reduction of \$125,000 in the budget, and asked if it would be revisited. She asked if town meeting would be told what staff/programs would be lost by this cut. Claudia would like to understand what the School Committee has as its priority and vision for the Acton Public Schools. Lees said that, although she was not present at last month's meeting, it was her impression that if there was violent disagreement, it did not surface at the meeting. Jean Butler remembered that the cuts were discussed. The reduction of \$125,000 was taken from non-personnel items. She felt if we make art, music and physical education cuts, we are becoming a sub-standard school system and she is not happy with the cuts. Lees commented that unfortunately we are forced to take these steps. Steve Aronson agreed that it is a Hobson's choice, i.e. we must choose between a comprehensive education and class size. He shared Claudia's concerns. Robin asked if the public knows whether the School Committee is going to stand by the cuts. The School Committee discussed cuts at the last meeting and agreed to (not recommended) the list. Rick Sawyer said he would like to reserve the right of School Committee to review cuts, even though we do hear about lack of credibility. Things can change daily (teachers retire, state changes policy, etc.) and he is comfortable not locking out flexibility for the good of the students. Dr. Zimmerman advised the committee to stick with the cuts decided upon. We will have a problem if we don't follow through. Mary Jane Merrill suggested looking at instrumental music in a different light; perhaps it could be funded by parents. Charles Kadlec suggested putting a list in the *Lamplighter* of the total FTE certified non-classroom positions lost if override doesn't pass. Mac said the figure would be 6.5 FTE including the Central Office position. Micki Williams stated the need to start making municipal funding a priority.

FOR YOUR INFORMATION

Dr. Zimmerman referred to

- E.S.L. program - she has met with Rosie and Sandy this week regarding their concerns

WARRANT DISCUSSION: No questions

CONCERNS OF THE BOARD

- Steve - addressed the budget presentation briefly:
 - 1) We asking Town Meeting for an amount that is equal to OR lower than the amount asked for twice last year
 - 2) The Selectmen stated (at their last meeting) the strong tendency of the schools to be run by professionals with little citizen oversight. Steve felt the schools pride themselves on carefully hiring and nurturing an excellent professional staff, and the School Committee has provided the right kind of citizen oversight. The School Committee and administration participate in a partnership/cooperative type of relationship, which both feel is satisfactory.

NEXT MEETING: May 12 - 7:45 p.m., Conant School

The meeting was adjourned at 10:36 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

Acton Public Schools
Acton-Boxborough Regional Schools

SCHOOL COMMITTEES' SUB-COMMITTEE
on the
EVALUATION PROCESS FOR THE SUPERINTENDENT
May 2, 1994
7:30 p.m. - Room #114, Junior High School

Present: Pam Harting-Barrat, Jean Butler, Lees Stuntz, Mary Anne Vogel, Isa Zimmerman

1. Members of the sub-committee reviewed the old process.
2. The following changes were discussed:
 - outgoing chairs will write a summary report, which will be a public document
 - the goals will be used for evaluation purposes
 - a list of functional duties will form the other part of the evaluation
 - a self-assessment by the Superintendent will be included
 - assessments by the principals and Central Office will be requested.
3. The sub-committee reviewed the Belmont model.
4. The Superintendent will revise the document and give it to the School Committees as an Acton/Acton-Boxborough model by May 5.
5. The time needs to be changed in the Superintendent's contract - not April, rather in June with a mid-year check in January.
6. A review must be made of the job description.
7. School Committee goals will be discussed in June, set in September.
8. A new timetable was proposed.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
Isa Kaftal Zimmerman

ACTON SCHOOL COMMITTEE
MINUTES

cc: BAS

Library
Junior High School

March 3, 1994

Members Present: Micki Williams, Stephen Aronson, Jean Butler, Pamela Harting-Barrat, Rick Sawyer

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens and press.

The meeting was called to order at 6:05 p.m. by Micki Williams, Secretary.

Micki welcomed all those present and reviewed the agenda items to be discussed.

The minutes of February 5, 10, 17 were approved as presented.

PUBLIC PARTICIPATION: None

OLD BUSINESS:

1. Revote FY'94 Appropriated Budget

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the total budget for the Acton Public Schools for the fiscal year July 1, 1993 through June 30, 1994 be set at \$9,208,596 as required by the Education Reform Act.

2. Revote FY'94 School Choice Budget

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the local school choice budget for the FY'94 school year be reduced by \$36,012 and be set at \$148,030.

3. FY'95 Budget for Printed Warrant

Dr. Zimmerman identified items in priority order for reducing the maintenance budget to a reduced budget. To reduce the budget by \$522,272 the following cuts would be made: non-personnel, \$147,704; instructional materials and supplies, \$63,000; personnel, \$169,400; plus the reduction of the Art, Music and P.E. programs, grades K-2, \$142,168. Dr. Zimmerman suggested that the override amount proposed be \$374,568. Pam expressed concern about cutting the art, music and physical education programs. Dr. Zimmerman agreed that it was indeed a painful thing to do. Jean Butler asked if teachers' prep. time could be looked at. She also wondered if the PTO's endowment fund could be used for K-2 art, etc. Liz Mackay, art department chair, did not support contracted services due to lack of continuity in program /staff and resulting low morale. She would support increased class size as an alternative. Pam was concerned about the legal ramifications of replacing certified staff with contracted services personnel. Steve commented on the Acton Selectmen's meeting this week. One of the selectmen's solution to the town's financial situation is to go for bondable issues. He also mentioned the value of competent financial staff, without whom creative solutions would not be found. If you cut to the bare bones it may become a cost not a savings. He said the selectmen will be asking Town Meeting to consider incremental articles. The schools' might consider the same process.

Steve Aronson moved, it was seconded and unanimously

VOTED: That the sum of \$9,967,380 be appropriated for the Acton Public Schools, (reducing the budget by \$125,000, i.e., \$522,272, original override amount, reduced to \$397,272), provided, however, that of this amount, the appropriation of \$397,272 (override amount) shall be contingent upon the passage of an override question at the town election pursuant to the provisions of Section 21C(g) of Chapter 59 of the General Laws (Proposition 2 1/2) and be contingent on the regional School Committee vote to approve the \$82,070 regional contribution to reduce the local school budget.

4. School Choice Discussion

The administration recommends enrolling an additional 10-30 elementary choice students next year. Acceptance criteria are (in priority order) : 1) children of staff, 2) siblings of current choice students, and 3) children whose parents own businesses in the community. Dr. Zimmerman said the intention was not to significantly increase class size. Mac Reid reviewed two charts: Possible New Choice Students for '94-95 and Average Class Size Study. Jean suggested the administration look at art and library if extra money is available. Dr. Zimmerman said that the money would definitely be used in direct service to students. Steve commented that it reinforces the value of choice students to the school - it allows us to maintain the comprehensiveness of our education, even if class sizes are slightly larger. It was emphasized that the addition of choice students is not the reason for larger class sizes. Don Wheeler said that in Boxboro the average number of children per new home is going up. We will explore data about how much new construction there is in Acton. Bill Ryan said we may not be able to tell students if there is room until August 15. Jeff McHarg commented that School Choice is good, but many in the community do not agree. It was decided to table further discussion and a decision.

5. Fund Raising Procedures

It was moved, seconded and unanimously

VOTED: To change the minimum gift amount that the school committee must approve from \$100 to \$500. Any lesser amount may be accepted by the school administration.

NEW BUSINESS: None

FOR YOUR INFORMATION

Dr. Zimmerman referred to the update of the School District goals and thanked those responsible for the progress this year.

Dr. Zimmerman mentioned the kindergarten registration packet, and the letter from the Office of Civil Rights, regarding the compliance of all our school handbooks.

Regarding the repair of the Blanchard chimney, Bill Ryan said it makes sense to get the job done as soon as possible. The area will be roped off (safety) and they will move quickly to complete the job. Three emergency repair quotes have been received and funds will be taken from the reserve fund.

CONCERNS OF THE BOARD

- Jean reported on the Merriam School Kindergarten information session, which was well attended.
- Steve complimented Dr. Zimmerman on the attractive, informative kindergarten booklets.

• Jim Mengel, citizen, was concerned about the health curriculum survey. Dan Leclerc responded that the surveys are now being given to students, and parent surveys will go out in a few weeks. A summary will be prepared by the end of April. Plans are to enlarge the Health Task force. After discussion about the components and survey results, the committee will revisit the existing curriculum and this summer design a pilot unit (R&D) to be implemented in the fall. There will be sufficient opportunity for parents to have input in the process and examine the new programs. The administration realizes that this is a sensitive issue. Dr. Zimmerman said that an informational community meeting will be held on April 28 and all results of the assessment will be available at that time. Dan commented that no other community has done such an extensive up-front needs assessment.

NEXT MEETING: March 31 - following the regional meeting, Junior High Library

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

cc: BOS

**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES**

Library
Junior High School

February 17, 1994

Members Present: Pamela Harting-Barrat, Lees Stuntz, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, student representative - Jen Johnson, citizens and press.

The meeting was called to order at 6:05 p.m. by Pam Harting-Barrat, Regional Chairperson.

At 6:06 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:00 p.m.

PROPOSED FY'95 BUDGET PRESENTATIONS

1. Athletic Budgets - Jack Schofield

Jack reviewed the three athletic accounts: 1) Athletic Appropriated Budget (funded by tax dollars) - \$199,314; 2) Athletic Revolving Account (funded by ABSAF, gate receipts and athletic activity fees) - \$168,496; 3) ABSAF Uniform and Equipment Replacement (a revolving account funded by ABSAF) - \$13,851.

2. CASE West Special Education Transportation - Pat Barry

This self-supporting program is a collaborative effort by seven member school districts, transporting special education students to 40 different locations. About one-half of the students are from Acton/Acton-Boxborough. Pat has looked into outside contractors and not one company submitted a bid for services. The program absorbs the cost of 1.25 of the 1.5 FTE school mechanics (APS/AB). The program pays rent to the school district for space. Vehicles are sometimes used for taking small groups (HS Debate Team, Math Team) to their events.

3. Pupil Services, ODP, ESL, Health, Developmental Reading - Nancy Kolb

In Special Ed, the strength of the program is dependent upon an effective link between special educators and classroom teachers. Inclusion has meant that more students are being serviced within the classroom setting. The Department of Ed. asks that SPED service a wider range of students, and it requires more behavior modification, etc. More "regular" students are in the program than ever before. Counselors visit classrooms to present sessions on developmental education (managing conflict, diversity). The ESL program services about 60 students in the two districts. Nancy referred to the 1993-94 PS/SPED grants.

Don Wheeler suggested looking at having a Director of SPED position which included the Blanchard School. Bill Ryan said this would help financially, allowing for reduction of the local schools' budgets. Dr. Zimmerman commented that, by having larger class sizes, we are creating more SPED students. Steve and Lees said that it was amazing that the legal fees were low, a real indication of the competence of the staff.

4. Music - Dan Leclerc

Dan summarized the programs. The committee asked about the plans for the Director of Music position next year. Mac Reid said the administration is not yet ready to discuss specifics.

5. Physical Education - Dan Leclerc

Dan described the programs. At the junior high, ten sections of Health Education have been integrated into the curriculum. Colleen Harshbarger, new health education instructor (funded by tobacco grant), has brought new programs into the curriculum, i.e., yoga. A

wellness survey will be conducted for the entire school community. At the high school, ninth and tenth graders take P.E. every other day. Grade 9 curriculum has a "Fitness for Living" segment, including CPR, first aid, drug and alcohol avoidance, etc. Dan said there is a need to integrate nutrition into the curriculum. They are looking at new ways to utilize the pool in the program (i.e., aquacize, etc.) The high school needs a circuit training system, in order to move towards the health club model. Then partnerships could be developed with Community Ed. The problem is finding space.

6. Curriculum - Dan Leclerc

Dan referred to Dr. Zimmerman's *Interface* column in the Beacon this week about professional development, which highlighted the goals for next year: assessment- across grade level and across curriculum; strategies for meeting the needs of all students; cooperative learning, conflict resolution, project learning, grouping; diversity; learning styles; the uses of technology. Dr. Zimmerman added that this summer an R&D would be done on religious observances background/materials.

7. School Choice - Mac Reid

We have had choice students in both APS and AB for three years and have received an additional one million dollars. This year, Acton received \$350,000. We have 60 APS choice students this year, and anticipate about 42 next year. The number is dropping because of available space. Dr. Zimmerman asked the Committee to be thinking about two additions to the choice policy - the eligibility of choice siblings and children of parents who own businesses in town. At the region there are 235 (13%) choice students this year. Steve Donovan thinks the high school may be able to take more choice students next year. Don said we should be careful - choice students have caused some AB students to be displaced (rank in class, athletic teams). The perception is that we are taking all this money in, but not using it to reduce class size. Mac said that this year the junior high is spending \$142,000 in choice money for extra staff (next year - \$160,000). At the high school the figure is \$320,000 (next year - \$340,000). Pam Harting-Barrat said choice brings a good diversity to our schools. Don said the better students come here for athletics and academics and it creates an issue. Micki said it helps the kids, it brings up the average.

8. Systemwide Areas - Bill Ryan

- a. Debt Service
- b. Insurance and Unemployment - down \$72,000
- c. Pension Costs
- d. Support

9. Facilities and Transportation - Steve Desy

Maintenance - is responsible for 350,000 square feet and 62 acres. He reviewed the staffing of the department. There has been a cut of a .5FTE maintenance staff member. There have been 4,000 work orders submitted this year, 800-1,000 trucking slips. and 1300 requisitions for repairing vehicles. A crew of 4 -10 inmates from NCC provide needed services.

Transportation - Twenty-one buses are owned and maintained by the schools, covering 18 regular bus routes and transporting 1500 (max.) students daily. Due to the regular transportation needs, buses/drivers have not been available for field trip as often. (They do about seven trips/week.) A computerized mapping system for bus routes has been used this year. A four-tier (vs. three) transportation system may go into effect next year, so that new buses do not have to be purchased.

Building Operation - Steve reviewed the staffing. They have had ongoing discussion with DEP about the septic system this year. Boston Edison plan enabled us to replace lighting at no charge with subsequent energy cost savings. Boston Gas has also initiated a program. We have had \$128,000 of retrofits (APS), and additional roof insulation, all at no cost. The savings amount to \$18,000/year.

DISCUSSION OF INSTRUCTIONAL LEADERSHIP PROPOSAL Dr. Zimmerman reviewed the proposal which included three alternative models. All called for a regional

department leader and a building department leader, and the plans differed according to the duties of these staff members. Dr. Zimmerman asked the School Committee if they were willing to spend this amount of money to restructure the schools' curricular leadership. The funding will come from money mandated by Ed. Reform. The third model represents an additional 2.0 FTE. It can be understood as a pure addition of 2.0 staff, or if a 1.0 FTE central office position is eliminated, it would actually result in a 1.0 increase. The change was initiated last year by the need to cut costs, due to the loss of the override.

The new model attempts to provide structure to enable certain things to be done; articulation of 7-12 curriculum, continuity of program, development of consistency of philosophy. K-12 communication would continue with the establishment of a K-12 curriculum council.

The roles of both the RDL and BDL were discussed.

- Don was concerned that if we have fiscal problems in 2-3 years, would we regress? Dr. Zimmerman said we will certainly review any change in three years.
- Lees felt the model did not take into account the differences between the junior and senior high; there is twice as much management time at the junior high if the RDL is there.
- Mary Anne liked the idea of 7-12 department heads. She is concerned, however, that we are adding administrative staff, and this plan does not encourage K-12 coordination, as a central office position would. Jean agreed.
- Linda also liked the 7-12 idea, but was concerned that the RDL would probably be an excellent teacher, whose time in the classroom would become very limited by this plan. She would prefer a central office position, with the department head doing more teaching.
- Mary Anne was concerned that we are eliminating a CO position for the wrong reasons.
- Don said if we are to spend more money, we'd rather spend it on smaller class sizes.
- Steve asked for an educationally driven plan

There will be further discussion at the next school committee meeting.

BUDGET RECOMMENDATION AND VOTE

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the total appropriation for the Acton-Boxborough Regional School District for the fiscal year July 1, 1994 through June 30, 1995 be set at \$12,543,968 and members towns be assessed in accordance with the terms of the Agreement and amendments thereto as follows: Acton \$8,035,260, Boxborough \$1,818,309, remainder to be accounted for by the Anticipated Chapter 70 Base Aid, in the amount of \$1,801,342, Anticipated Chapter 70 Minimum Aid in the amount of \$42,775, Transportation Aid Chapter 71, Sec. 16C in the amount of \$377,734, Special Education Transportation Aid in the amount of \$70,377, Anticipated Aid, Construction of School Projects in the amount of \$293,598, Federal Aid, P.L. 81-874 in the amount of \$4,573 and Revenue from local sources in the amount of \$100,000.

NEXT MEETING: March 3 - 7:45 p.m., Junior High Library

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

ACTON SCHOOL COMMITTEE
MINUTES

CC: BOS

Library
Junior High School

February 17, 1994

Members Present: Lees Stuntz, Steve Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens and press.

The meeting was called to order at 11:52 p.m. by Lees Stuntz, Chairperson.

There was discussion about what budget should be presented at Town Meeting.

It was moved, seconded and

VOTED: To approve the administration's recommendation that the total budget for the Acton Public Schools for the fiscal year July 1, 1994 through June 30, 1995 be set at \$10,092,380. (Vote: 4-2 [Aronson, Butler])

It was moved, seconded and

VOTED: To approve the administration's recommendation that the FY'95 Merriam Enterprise Budget be set at \$73,709. (Vote: 5 for, 1 abstention [Aronson])

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation of the wording of the following article to be presented at the Acton Annual Town Meeting.
ARTICLE: Blanchard Auditorium Chimney Repair.
To see if the Town will raise and appropriate or appropriate from available funds the sum of _____, or any other sum, for the repair of the chimney at the Blanchard Auditorium, including any engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.
SUMMARY: This article requests funds for the repair of the Blanchard Auditorium chimney.

The amount will be filled in when bids are received.

The meeting was adjourned at 12:05 a.m.

Respectfully submitted,
Sarah T. Lawton
Secretary pro tempore

ACTON SCHOOL COMMITTEE
MINUTES

CC: BOS

Library
Junior High School

February 10, 1994

Members Present: Lees Stuntz, Steve Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens and press.

The meeting was called to order at 7:50 p.m. by Lees Stuntz, Chairperson.

The chairperson welcomed all those present and highlighted the agenda items to be discussed.

Warrant #94-011 in the amount of \$30,890.82 was signed by the Chairperson and circulated to other members of the Committee.

The minutes of January 13 and 27, 1994 were approved as presented.

PUBLIC PARTICIPATION: None (*Public will participate as agenda items are discussed.*)

OLD BUSINESS

1. Approval of Administration of Prescription Medication Policy

It was moved, seconded and unanimously

VOTED: To approve the Administration of Prescription Policy as presented.

This policy is required by state law, and basically allows several designated staff (other than school nurses) to administer prescription medications. Jean Butler requested that every medication administered be logged in.

2. Proposed PTO Fundraising Guidelines - Second Reading

Proposed guidelines are: 1) certified personnel and classroom assistants must be paid out of revenue which is administered by the School Committees; 2) PTOs and/or parents providing additional financial support to the schools are asked to concentrate on: enrichment programs, professional development opportunities, mini-grants to staff for instructional purposes, support for particular programs, purchase and maintenance of instructional equipment; 3) the PTOs are encouraged to engage in joint fundraising for the entire school district for a predetermined target; 4) all other guidelines pertaining to these topics which are already in place will continue to be followed.

- Rick Sawyer hesitated to support any guidelines that discourage giving. Are the guidelines consistent with site-based management - what do principals think? Do the guidelines presume that hiring of classroom assistants is the solution to large class sizes? You don't get equity by holding back in a policy (our system has many inequities already).

- Micki Williams thought we should provide for assistants within the appropriated budget, and allow schools to fund the extras.

- Jean Butler said we should provide equity. School principals and councils should be able to determine how to solve large class size problem.

- Bill Ryan reminded the Committee that it has the authority to accept (or reject) gifts. It depends on the parameters the Committee decides to set, or each situation can be handled individually.

- Lees suggested that the PTOs come to the school committee before fundraising. Perhaps there could be a combined fund for the three classes, for example, that need assistants. She can't imagine the School Committee ever saying no gifts.

- Dr. Zimmerman said there are two issues; 1) schools can go in different directions, and 2) if they do, we must maintain equity/equivalency among the schools. Therefore, we need some guidelines.
 - Rick suggested that the principals create a list of needs which the school committee would approve. Then funds could be raised for those things. Joan Little commented that this is essentially what the schools do in presenting their budgets. She thinks that the PTOs should not be involved in personnel funding. Karen Sharpe, Gates parent, added that the PTOs are put in a difficult position if they hire/fire staff.
 - Karen Walker, staff leader at Merriam, said all classes there have classroom assistants as part of their programs (not class size dependent).
 - Cheryl Daigle, Douglas PTO, said parents have assumed this was a one year commitment and they don't expect to continue contributing at this level.
 - Steve Aronson suggested following the same procedure as when adding an athletic team; the Administration assesses the impact, and then makes a recommendation to the School Committee. He would like to see the PTOs work through the process, so they feel they are not being constrained but empowered.
 - Lees suggested a change to #1 in the proposed policy: replace "administered by School Committees" with "brought to the School Committee by the Superintendent."
 - Jeff Berry, parent, said that if money given by parents is dispersed to all schools, he wouldn't donate. The more control you take away, the less money you will get.
 - Randa Mamarella reported the results of a Conant parents' survey. Most felt that hiring/funding teachers was not the PTO's business; opinion on funding assistants was about even, but the "yes" votes were qualified (enrichment or part-time)
 - Dr. Zimmerman will work with principals as a group to determine needs.
 - Mary Tajima, Conant parent, felt strongly that certified staff should not be funded by PTOs.
 - Lees suggested that #1 read that certified personnel would be funded only as a last resort.
 - Steve said this document could serve as the guidelines; then procedures could be developed.
 - Pam felt a statement should be made somewhere that teachers should be funded by the appropriated budget.
 - Lees asked Dr. Zimmerman to develop a process paper.
 - Rick Sawyer moved (seconded) that that PTO/parent funds could not be used for hiring certified classroom teachers. Bill suggested wording "certified classroom staff should be funded by appropriated budget, school choice and state/federal grants." The vote on the motion failed (3-3). Mr. Kabakoff, Acton Fin. Comm., cautioned the committee about restricting any giving, due to the financial situation. We are facing a \$500,000 override, and he thinks this motion is too restrictive.
- Steve Aronson moved, it was seconded and

VOTED: That the guidelines be accepted as presented. (Vote: 4-2)

It was the consensus of the committee that hiring of teachers by PTOs be discouraged.

NEW BUSINESS:

1. Acceptance of Gift from the Community Communications Committee

It was moved, seconded and

VOTED: To accept the gift of \$590.09 from the Community Communications Committee. (Vote: 5 for, 1 abstention[Williams])

This committee has disbanded and has divided its funds between the town and schools. The regional committee will be asked to accept a like amount.

BUDGET DISCUSSION

Bill Ryan distributed the latest figures showing a shortfall of \$522,272 and asked the Committee if they wanted to vote this amount as a potential override. The decision needs to be made on February 17. Budget figures are: FY94 original budget - \$9,160,034; FY'94 Adjusted Budget - \$9,208,596 (+\$48,562 required by Ed. Reform); and the FY'95 Preliminary Budget = \$10,092,380 (+\$888,784). The minimum school spending required is \$10,088,006. Bill asked the committee to give the administration direction as to the level of the budget and what is doable for an override. The regional will have more money, but shifting funds to the local may not be possible. Steve said we face the dilemma of the state telling us we need x amount to get by and the administration telling us it is far less than satisfactory to run our schools. He observed that if any of the overrides had passed last year we would be in a better situation. Answering Rick Sawyer's question about choice, Bill said we received \$184,000 this year, and anticipate less next year (about \$110,000). Dr. Zimmerman said we could cut \$100,000 (some insurance costs, additional supplies [\$63,000] and the legal fee amount) before personnel cuts. Bill said there will be an Acton Public Schools override that will not be combined with the town. The town does not expect to need an override for the operating budget. There was discussion about the possibility of having a pyramid override vote (different amounts to vote on). Robin Winick asked the committee to address the community's concern re: central office spending/cuts. Lees said the percentage of students we have added over the last three years vs. the amount the budget has increased over the same period might be a helpful information. Bill said the elementary population has gone up 33% since 1987. It was also suggested that choice students be removed from the total, and to show just Acton students.

Dr. Zimmerman recommended voting the A budget next week, and then giving the administration time to create a B budget. She will bring a prioritized list of cuts for the \$522,272 amount. Lees asked if the committee had to discuss wording for the contingency next week. Dr. Zimmerman said she would check this out. Steve Aronson asked that there be an executive session to discuss personnel issues.

FOR YOUR INFORMATION:

- Dr. Zimmerman referred to the Health Education Survey. It will be given the first week of March.

CONCERNS OF THE BOARD:

- Micki had a question on the capital budget request. She asked about the purchase of three buses - Bill said we would need them unless we change to four rounds of transportation.

WARRANT DISCUSSION: One question was answered by Bill Ryan.

NEXT MEETING: February 17, 6 p.m., Executive Session, Room #114
6:15 p.m. Joint Session, JH Library
March 10, 7:45 p.m., Regular Meeting at Conant

The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

cc: 805

ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

February 5, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens

The meeting was called to order at 8:50 a.m. by Pamela Harting-Barrat, Chairperson.

The presentations were made in the following order:

8:50 - Steve Donovan - High School Administration - in addition, issues identified to be addressed were:

- building supervision and use of building
- expectations of students
- too many classes too large
- loss of programs students want and need
- future space needs for programs and services
- needs for technology for instruction and management
- replacement/upgrade of equipment
- painting the inside and outside
- pool area, track need attention
- time for kids to be kids
- time for staff to work with each other and kids

School Committee members suggested that, in the future, there be regular updates from principals. The question was asked, How is time an issue in comprehensiveness? (Courses vs. humanism) Can we study this?

9:40 - Cliff Card - Junior High Administration - also identified issues to be addressed:

- students' contributions to the school as they learn academics and participate in other activities
- school dropped one elective
- enrollment is up in the electives because we want kids to be productive
- pass/fail in electives
- distinction between cooperative learning and cheating
- pride of production
- class sizes are up
- effects of loss of personnel on quality of education
- heterogeneous grouping
- articulation between junior and senior high school and elementary schools
- teaming for grade 8
- bring up grade 6 to make it a middle school in name as well as theory.

Support services are not a frill. Older town members don't understand this great need. If the need is not attended to in the regular budget, we pay for it as a SPED program.

10:10 - Isa Zimmerman put Revolving Accounts into context.

->

10:15 - Jack Schofield - three Athletic accounts - will return to give a different presentation

- Projected enrollment, inflation, more sports must be in the long range plan
- Relationship between appropriated budget and revolving account must be clear

Questions/comments raised by School Committee and community members:

- Who covers the cost of managing the accounts?
- Review of FY 94 Proj. Expenses column for revolving accounts; that is not the appropriate way to present income and fund balance.
- Lack of trust that we spend more in a line item than budgeted
- Highlight unexpected problems and their solution

11:00 - Sandy Wieher - Community Education Program

- Adding a separate Thursday afternoon program
- Moving to Merriam
- Would like to retain a fund balance of 10%
- Redescribe fiscal year to have a reasonable fund balance

The question was asked about whether we are looking at space for the future - Comm. Ed. needs space; schools do also.

11:55 - Art Goodall - Externship Program

- Selling this program to other schools

It was suggested that we use professional PR help to help us package why we do so well with so little appropriated budget

12:15 - Mary Branon - School Lunch Program

- Looking into a nutrient analysis program
- Survey interests and concerns of students
- In the black and will not raise rates

12:50 - Jim Chace - Graphic Arts

- Cannot cost out some of the services to students and faculty because they are services beyond production.

1:10 - Bill Noeth - Summer School Program

The School Committee agrees that we need an operating override for the local schools; no override at the regional . Three articles at the local - Merriam enterprise, early retirement incentive and Blanchard chimney repair. A member of the audience asked if the School Committee is looking at other ways than overrides to get money for the schools? This is an issue which must be addressed at the State level.

Discussion/Decision

- Present the regional budget as a B Budget to Town Meeting

- It was decided that the Superintendent would present at Town Meeting after being introduced by the chairs.

- NEXT MEETING - February 17 - 6:00 p.m., JH Library

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,
Isa Kaftal Zimmerman

cc: BOS

ACTON SCHOOL COMMITTEE
MINUTES

Library
Junior High School

January 27, 1994
7:00 p.m.

Members Present: Lees Stuntz, Steve Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer (7:20), Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens

The meeting was called to order at 7:10 p.m. by Lees Stuntz, Chairperson.

Warrant #94-010 in the amount of \$68,813.58 and warrant #93-110 in the amount of \$325.00 were signed by the Chairperson and circulated to other members of the Committee.

The chairperson welcomed all those present.

Dr. Zimmerman introduced the budget presentations. The total amounts requested at this time are: Personnel - \$7,306,867; Equipment - \$11,363; Materials and Supplies - \$369,241; and Contracted Services - \$2,416,291. She cautioned that these budget copies are preliminary working drafts and should be viewed as such. There will be changes made after the Committee has reviewed the information for accuracy and clarity. Final copies of the budget will be available at Town Meeting.

The following budget presentations were made:

Conant School - Joan Little
Douglas School - Lisette Kaplowitz
Gates School - Jim Palavras
McCarthy-Towne School - Parker Damon
Merriam School - Karen Walker

Art - Dan Leclerc
Developmental Reading - Nancy Kolb
English as a Second Language - Nancy Kolb
Music - Dan Leclerc
Physical Education - Dan Leclerc
Professional Development - Isa Zimmerman

Building Operation and Maintenance - Bill Ryan
Systemwide Buildings and Grounds - Bill Ryan
Systemwide Insurance and Unemployment - Bill Ryan
Systemwide Support Services - Bill Ryan
Systemwide Transportation - Bill Ryan

Several suggestions were made by the Committee and citizens which will be taken into account as the budget is refined and finalized. The Committee appreciated the work done by the Administration in presenting the budget in this new format.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,
Sarah T. Lawton
Secretary pro tempore

cc: BOS

ACTON SCHOOL COMMITTEE MINUTES

Library
Douglas School

January 13, 1994

Members Present: Lees Stuntz, Steve Aronson, Pamela Harting-Barrat, Jean Butler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens

The meeting was called to order at 7:50 p.m. by Lees Stuntz, Chairperson.

Warrant #94-009 in the amount of \$144,732.13 and warrant #93-109 in the amount of \$74.87 were signed by the Chairperson and circulated to other members of the Committee.

The chairperson welcomed all those present and highlighted the agenda items to be discussed.

OLD BUSINESS

1. Proposed PTO Fundraising Guidelines

Public Participation: Karen Sharpe, a Gates parent, was concerned that the PTO's this year are funding essential services, mostly to create a better student/staff ratio. She is afraid schools with better fundraisers or parents better equipped financially will have more. The needs should be addressed system-wide not school by school. Karen asked that the School Committee let the PTOs know their decision as soon as possible.

For information, Lees Stuntz read the proposed fundraising policy guidelines.

Patty Barr, from Douglas, commented that the amounts stated in the policy as limits have become target numbers. If money is spent on teacher assistants, there is not much left for the extras that make each school unique. She felt the proposed guidelines do not guarantee equality, and instead cause divisiveness between the schools vs. cooperative efforts. We would get more money if PTOs work together, and she suggested setting up one foundation/endowment fund for the school system for fundraising. School PTOs could then fund other special projects. Marilyn Leeds, parent, distributed a memo and said she supported the community fundraising idea.

Dr. Zimmerman agreed that PTOs should not raise money for basic staff; that is the responsibility of the community. She also supported the cooperative ventures of the PTOs, such as the Interschool Council and establishment of a foundation for all-school fundraising. The challenge of formulating a policy is to create a positive, fair and equitable environment with freedom, and at the same time have reasonable, uncomplicated guidelines. Micki Williams suggested reviewing the fundraising information from the Newton schools as well as the Sudbury schools for guidelines. It is important to set our priorities for education; we should leave parent fundraising to handle areas other than personnel.

Pam Harting-Barrat remembered that when the class size policy was voted, the Committee never thought the schools would face this situation, i.e., class sizes of 26-29 across the board.

Steve Aronson was impressed by the time and careful thought parents have given this issue. Although he has not supported acceptance of PTO gifts, he explained that it is not because he does not appreciate parents' generosity; it is the principle of the matter. He feels PTOs should be independent - that is their strength. He suggested that perhaps a district PTO could be formed. PTOs should not get into classroom instruction personnel.

Jean Butler was not in favor of setting a dollar amount cap: it will create divisiveness.

Micki thanked the superintendent for starting the guideline process.

Laura Winter, Conant parent, said parents' priority is what goes on in the classroom.

Jenean Glidden thinks we are taking the government off the hook, once PTOs start providing basic personnel funding. Ms. Leeds said that was true, but we don't want our children to be the victims in order to send the message. Dr. Zimmerman mentioned contracted services, and supported the idea of PTOs funding these.

Steve said the choice the Committee has is between class size and whole education.

Lees said if an endowment fund is created, we need to think of how it would be run, by whom, etc.

Dr. Zimmerman will take into account all comments and develop a new version of the guidelines - it is an ongoing process.

2. Confirmation of Acceptance of Gift to McCarthy-Towne School

It was moved, seconded and unanimously

VOTED: To accept the gift of \$10,000 from a McCarthy-Towne parent to that school for computer technology.

3. Confirmation of Regional Action - Approval of the 1994-95 School Calendar

It was moved seconded and unanimously

VOTED: To approve the 1994-95 School Calendar.

School will start for students on Thursday, September 8, a day later than usual. Teachers will begin on Wednesday, September 7.

NEW BUSINESS:

1. Approval of Prescription Medication

Corrine Orcutt, the elementary schools' nurse, presented a policy written in concert with a new state law which allows specified staff, other than nurses, to give prescription medication. She hopes one or two people in each building will be designated. We now have one nurse and three nurse assistants covering five schools. Mac Reid commended Corrine as supervisor of the elementary schools' nursing services. The policy will be voted on at the February meeting.

2. Education Report - Update on Social Studies Curriculum Development

Dan Leclerc reported that a committee has been working to update the elementary social studies curriculum. Participants reviewed the existing program and addressed the following issues: shortage of up-to-date resources, insufficient incorporation of geography standards, no continuity between schools, inadequate coverage of human history, neglect of certain areas of the globe.

He introduced Eileen Sullivan, curriculum specialist, who presented the recommendations from this group. They recommend that 80% of the curriculum should be common to all schools, providing a common core of experience, while allowing for flexibility (the remaining 20%). There is a one-grade leeway in meeting grade level objectives. Themes for each grade level are: kindergarten, *Myself and Others*; grade 1, *Some Ways Same/Some Ways Different*; grade 2, *Local Studies and Far-Away Places*; grade 3, *Development of Cities and City Life*; grade 4, *Seeds of Change* (cultural connections); grade 5, *Formation of a New Nation*; and grade 6, *Ancient Civilizations*.

Dr. Zimmerman thanked Eileen for her excellent presentation and her work this year. She also emphasized the importance of the position of elementary curriculum specialist.

3. Acceptance of Conant Gift

It was moved, seconded and unanimously

VOTED: To accept the gift of \$1,300 to the Conant School from its PTO for the purpose of buying: gym replacement ropes (\$300); books and video's for the school counselor (\$200); box of games for gym (\$300); and laser disc software (\$500).

4. Purchase of Truck

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the contract for the lease-purchase of a one-ton diesel dump truck be awarded to Commonwealth Thomas, Inc, of Milford, NH. The total cost (principal and interest) to the local schools is \$15,234, with annual payments of \$3,046.80. The annual lease-purchase payments will be charged to the regular transportation budget. A transfer of funds from account #114 C.O. Transportation Supplies will be made to cover the lease payment for this fiscal year.

It was noted that the Commonwealth Thomas bid was not the lowest, but was the only bid meeting the specifications.

FOR YOUR INFORMATION:

- Dr. Zimmerman announced that the kindergarten registration information will not be presented in the *Lamplighter* this year, but will be published in the *Beacon*, on cable TV, sent to preschools, Acton Town Hall, Acton Memorial Library, and will go home with every elementary-aged student.
- The Health Needs Assessment pilot study has begun. Anyone interested may review a copy in the Superintendent's Office between 7:30 and 4 p.m.
- Budget Meeting schedules have been sent out to the PTO's, town officials/ boards, community members who have expressed interest in the process. To receive a schedule, please call the Superintendent's Office.

WARRANT DISCUSSION: One question was answered by Bill Ryan.

NEXT MEETING: January 27, JH School Library - 7 p.m. - Budget
February 3 - 7:00 p.m., Joint Executive Session - Room 114
February 10, - 7:00 p.m., Executive Session - JH Library
- 7:45 p.m., Regular Session - JH Library

Thanks to Lisette Kaplowitz, her staff and PTO, for hosting tonight's meeting.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Sarah T. Lawton

Secretary pro tempore

cc: BOS

ACTON BOARD OF HEALTH

MINUTES

MAY 9, 1994

ROOM 204

MEMBERS PRESENT: WILLIAM MCINNIS (CHAIRMAN)

PETER VAILLANCOURT

MARK CONOBY

CORDELIA ALFARO

STAFF PRESENT: DOUG HALLEY (HEALTH DIRECTOR)

HEATHER MEYER (SECRETARY)

MARY ELLEN MAYO (APHNS ADMINISTRATOR)

OTHERS: JENNIFER BARTLETT - THE BEACON

BOB EISENGREIN - ACES

WARREN LEON

JOHN CAMPBELL

SUE FUNK

CHARLOTTE SAGOFF

STEVE LOWE

The Meeting opened at 7:30 p.m.

MINUTES:

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to accept the minutes of April 25, 1994 following corrections.

MARY ELLEN MAYO - REPORT TO THE BOARD OF HEALTH:

Mary Ellen Mayo, Administrator of the Acton Public Health Nursing Service, presented a Report to the Board of Health. This report summarized what has been going on in the APHNS as of April 25, 1994. New Staffing, Resignations, Finances, Activities, Acquisitions, Future Plans and some New Policies that the APHNS would like to work on were some of the items included in this report. The new policies include a CPR Policy, Blood Glucose Monitoring, and a Home Anticoagulation Monitoring Policy. These policies will be brought to the Board of Health in the near future for discussion. After reviewing the various items on the report, the Board commended Mary Ellen Mayo for doing such a good job with the Nursing Service.

KELLY'S KORNER KITCHEN, 257 MAIN ST. - ADDITIONAL SEATING REQUEST:

Mr. Halley informed the Board that at a recent inspection of Kelly's Korner Kitchen, 257 Main Street, it was discovered that additional seats had been added. Based on decisions made by the Board in February 1992 and November 1990, this facility should have no more than 27 seats. Mr. Sundberg requested that the Board allow 36 seats.

As conditions for previous approvals, Mr. Sundberg was required to submit water records for all users of the septic system every six months. Mr. Halley informed the Board that the Health Department has not received those records. The actual water flow at this property is restricted to 1500 gallons per day. Because water flow records have not been submitted, the Health Department has been unable to determine if this requirement is being met.

The Board was made aware that Mr. Sundberg has also promised to make a submittal to the Health Department with regard to compliance with the Use of Tobacco Products Bylaw. The Health Department has not received a submittal and is concerned that he may not be moving towards compliance.

The Health Department recommended that Mr. Sundberg's request be tabled until all appropriate water records and a plan for use of tobacco compliance are submitted to the Board. Mr. Sundberg should make these submittals within thirty days or face action regarding the Tobacco Bylaw.

On a motion made by Mr. Conoby, seconded by Mr. Vaillancourt, the Board unanimously voted to table the seating request made by Mr. Sundberg until the requested water records and plan for use of tobacco compliance are submitted to the Health Department.

MOSQUITO CONTROL PROGRAM - PUBLIC HEARING DETERMINATION:

Prior to the Discussion of the Mosquito Control Program, Mr. McInnis spoke with the Board briefly on how the Board should handle this initial meeting on the topic of Mosquito Control in the Town of Acton. The Board agreed that they would keep this preliminary discussion to the subject of how they were going to run a public hearing in the near future. The Health Department submitted a informational package to the Board before the meeting so the Board could become familiar with the topic.

The Board heard some initial comments with regards to the Mosquito Control Program from concerned citizens that attended this meeting.


The Board agreed to have an Informational Public Hearing in June. At this hearing, the Board will discuss two different issues. The first, the public health issue of the Mosquito Control Program. The second issue; if there is a public health concern for a Mosquito Control Program, what are the options that the Board of Health should examine. At this hearing, information will be presented with regards to what the Mosquito Program consists of currently. After the information is presented, the Board will take public comment from the floor, and the Board will discuss the concerns of the Town. The Board will then vote on whether or not they should prepare a policy statement to present to the Board of Selectmen with regards to the Mosquito Control Policy in the Town of Acton.

On a motion made by Ms. Alfaro, seconded by Mr. Vaillancourt, the Board unanimously voted to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,



Heather Meyer, Secretary



William McInnis, Chairman
Acton Board of Health

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief George W. Robinson
FROM: Det. Todd D. Fenniman
SUBJ: Safety Night - McDonald's

DATE: June 15, 1994

**Town Manager
Information**

On June 14, 1994 I conducted a "safety night" at McDonald's in conjunction with their weekly "Kids' Night". During the evening I presented bicycle safety and child safety tips along with child fingerprinting. Over 150 kids were fingerprinted and took with them various safety pamphlets and our "Say No to Drugs" pencils. At the end of the evening a kids bicycle and helmet which had been donated by Wal-Mart in Hudson was raffled off and won by a Washington Drive boy.

This was a highly successful venture for the department and McDonald's. Numerous people came just to be fingerprinted and took with them some very valuable information. The community enjoyed some great interaction with the police department and made numerous comments as to our highly successful youth programs including this one.

Det. Todd D. Fenniman
Youth Officer

cc: BOS - FYI



Join us for

SAFETY NIGHT

Tuesday, June 14th with Acton

Police Youth Officer

TODD FENNIMAN

presenting Bike Safety tips,
child IDs and more

WIN A NEW BIKE *(courtesy of Hudson Walmart)*

TUESDAYS ARE KID'S NIGHTS

AT ACTON McDONALD'S

4-8 PM

ALL HAPPY MEALS JUST \$1.49

FUN, GAMES AND PRIZES



ACTON McDONALD'S

Rte. 27 & 111

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

CC: BOS-FYI

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9412

Date of mailing: June 9, 1994

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

William Hurd
3 Spruce Street

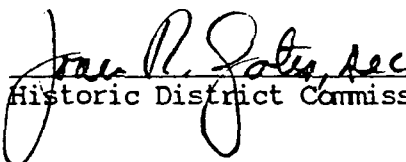
Installation of windows, door and
clapboard siding on North side
and East gable end of 3 Spruce St.

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

cc: BOS-FYE

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9409

Date of mailing: June 9, 1994

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

Acton Congregational Church
481 Main Street

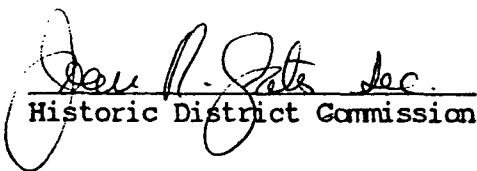
Window replacement in rear
section of building--481 R

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

cc: BOS - FYI

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9411

Date of mailing: June 9, 1994

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

Timothy and Jane Post
16 Woodbury Lane

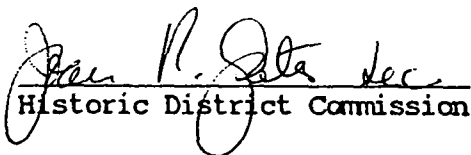
Addition of second-story
hallway

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

CC: BOS - FYE

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9413

Date of mailing: June 9, 1994

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

Applicant and address of proposed work

Proposed alteration

John Erikson
113 Main Street


sign for Erikson Grain Mill, Inc.

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

cc: BOS

TO: Christine, Liquor License File
FROM: Nancy Tavernier
SUBJECT: Laws on underage drinking in restaurants
DATE: 6/9/94

QUESTION? Can a parent order an alcoholic drink in a restaurant and then give it to his or her child who is under the age of 21?

ANSWER. NO

SOURCE OF INFORMATION: Inspector James B. Staples, Alcoholic Beverage Control Commission. Staples said to Nancy Tavernier, on June 9, 1994, "It is illegal for a parent to serve his minor child in a restaurant."

REFERENCE TO MASS. GENERAL LAWS WITH EXPLANATION:

Mass. General Laws Chapter 138, Section 34

Section 34 contains confusing and conflicting information which is only made clear when all statute references in the paragraph are also read and understood.

To summarize Section #34:

Any person can be punished by a fine of not more than \$2000 dollars or by imprisonment for not more than six months, or both, for the following four scenarios set out in Section #34:

1. Making a sale or delivery of any alcoholic beverage or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person. (a store or restaurant cannot sell to a minor)

2. Being a patron of an establishment licensed under section 12 (restaurant) or 15 (package store) who delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12 (restaurant), 15 (package store), 19B (domestic vineyard), 19C (brewery)any such beverage or alcohol to or for use of a person who he knows or has reason to believe to be under 21 years of age. (a patron cannot buy or deliver a drink to a minor on the premises of any of the above establishments)

3. Whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 (restaurants, bars) (a patron cannot buy alcohol for a minor in a restaurant or bar to be consumed off-site) "Off-site" distinction is implied through the use of the word procure, otherwise this sentence is redundant to point #1.

4. Whoever procures any such beverage or alcohol for a person under 21 years of age who *is not his child, ward, or spouse* in any establishment licensed under said section 15 (package store), 19B (winery) or 19C (brewery). (cannot buy alcohol for a minor in a package store, winery or brewery, unless that person is his child, guardian or spouse). NOTE: Section 12 licenses (restaurants) does not apply here!!!

EXPLANATION OF LAW

Minors cannot purchase or be served alcoholic beverages in any establishment licensed under Chapter 138: restaurants, bars, package stores, wineries, breweries. A parent (patron) cannot serve a minor alcohol in any of the above establishments even if that minor is his child, guardian, or spouse.

A parent, can however, accompany his minor child, guardian or spouse to a package store (sect. 15), winery (sect. 19B), or brewery (sect. 19C) and the parent can procure alcohol for such minor as long as that alcohol is then consumed only in the home and only by that specific minor under the supervision of the parent. Under Section #34C, a minor would even be able to possess, transport, or carry the alcohol purchased by the parent as long as he is accompanied by a parent or legal guardian.

§ 34. Employment of Minors Prohibited; Penalty for Furnishing Liquor to Minors.

No person shall receive a license or permit under this chapter who is under twenty-one years of age. [Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person] or whoever, being a patron of an establishment licensed under section twelve or fifteen, delivers or procures to be delivered in any public room or area of such establishment if licensed under section twelve, fifteen, nineteen B or nineteen C, or in any area of such establishment if licensed under section fifteen, nineteen B or nineteen C, any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age, or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section twelve, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment licensed under said section fifteen, nineteen B or nineteen C shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than six months, or both. Nothing in this section shall prohibit any person licensed under this chapter from employing any person eighteen years of age or older for the direct handling and selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section sixty-two of chapter one hundred and forty-nine, any licensee under this chapter may employ a person under the age of eighteen who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

History—

Amended by 1982, 97, approved May 26, 1982, effective by act of Governor, May 27, 1982; 1982, 627, § 13, approved Dec. 30, 1982, effective 90 days thereafter; 1984, 312, § 5, approved Dec. 4, 1984; by § 11, effective June 1, 1985; 1988, 149, approved July 15, 1988, effective 90 days thereafter.

Editorial Note—

The first 1982 amendment, in the second sentence of the first paragraph, increased the maximum fine for furnishing liquor to minors from two hundred dollars to one thousand dollars.

The second 1982 amendment rewrote the second sentence of the first paragraph, adding references to GL c 138 § 19C, relative to farmer-brewer licenses.

The 1984 amendment substituted "twenty-one years of age" for "twenty years of age" throughout the first paragraph. Sections 12 and 13 of the amending act provide as follows:

SECTION 12. If an agreement among the states of Massachusetts, Maine, New Hampshire, Connecticut, New York and Vermont is reached for uniform adoption of a twenty-one year old drinking age on a date prior to June first, nineteen hundred and eighty-five, then this act shall take effect upon that date.

SECTION 13. The provisions of this act shall not apply to any person who has attained the age of twenty prior to the effective date of this act and who possesses a valid Massachusetts motor vehicle license issued pursuant to section eight of chapter ninety or a liquor purchase identification card issued pursuant to section thirty-four-B of chapter one hundred and thirty-eight of the General Laws. Such person shall be deemed to have attained the age of twenty-one for all purposes of this act.

The 1988 amendment, in the second sentence of the first paragraph, increased the maximum fine for furnishing alcoholic beverages to minors from one thousand dollars to two thousand dollars.

#1

#2

#3

#4



environmental engineers, scientists,
planners, & management consultants

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

June 13, 1994

Ms. Lynne Jennings
Waste Management Division
U.S. Environmental Protection Agency
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond Benoit
Bureau of Waste Site Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 01605

Subject: W.R. Grace & Co. - Acton, Massachusetts
Lagoon Characterization Preliminary Data

Dear Ms. Jennings and Mr. Benoit:

On behalf of W.R. Grace & Co., Camp Dresser & McKee Inc. (CDM) is pleased to present preliminary analytical data for the recharacterization of the North, Secondary, Emergency, and Primary Lagoons as well as additional data on the Boiler Lagoon and Battery Separator Lagoon #1.

This preliminary analytical data submittal includes the following:

1. Sample Location Plan Figures
2. Data Comparison Tables (New Data vs. Prior Data)
3. Data Evaluation Summary Tables
4. Environmental Data Management (EDM) Tables (Sample Analytical Data)

Please note the following:

1. Except for the November/December 1993 Battery Separator/Boiler Lagoon data, the analytical data has not been validated. It is undergoing validation at this time.
2. Please be reminded that the new data represents the peak value in each boring based on the GC field screening performed as part of the investigation. The geometric

CC: BOS - 2 P. COVER LTR ONLY.
FULL DOC. IN RF/RETAIN.

Ms. Lynne Jennings/Mr. Edmond Benoit
June 13, 1994
Page 2

mean in the Data Evaluation Summary Tables provides an appropriate comparison to the 1980-1984 data .

3. The preliminary data is provided for review as planned. Upon validation, the data will be assessed and appropriate adjustments made.

CDM plans to subject the data to further study and statistical review and will consider the statistical validity of various averaging methods. This study will focus on the manner in which nondetections are to be treated and will refine any averages presented herein.

We are available to discuss this information at your earliest convenience.

Very truly yours,

CAMP DRESSER & McKEE INC.



Bruce R. Conklin, P.E.
Vice President

BRC:paa

Enclosures--List of Tables; Tables

788-142-SS-CHAR

cc D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
R. Sullivan, GZA (1)	J. DeStefano, GZA (1)
L. Ingram, Grace (1)	S. Anderson (1)
M. Johns, Grace (1)	H. Fox, Sierra Club (1)
T. Stoneman, Canonic (1)	C. Myette, Wehran-MDEP (1)
J. Swallow, Pine & Swallow (1)	R. Eisengrein, ACES Tag Mgr. (1)
M. Moore, Concord Board of Health (1)	W. Pencola, ENSEARCH Env. Corp. (2)
W. Cheeseman, FHE (1)	M. Stoler, Grace (1)
D. Johnson, Acton (1) _____	J. Okun, O'Reilly & Talbot, Inc. (1)
S. Simon, TWDR Region I (1)	L. Wilder, ATSDR (1)
J. Graham, MDPH (1)	A. Burke, EPA Region 1 (1)



MASSACHUSETTS DEPARTMENT OF REVENUE
DIVISION OF LOCAL SERVICES

P.O. Box 9655
Boston 02114-9655

MITCHELL ADAMS
Commissioner

(617) 727-2300
FAX (617) 727-6432

LESLIE A. KIRWAN
Deputy Commissioner

June 14, 1994

BOARD OF SELECTMEN
TOWN HALL-472 MAIN ST.
ACTON, MA 01720

cc: BOS
ROY W.
JOHN M.

Dear Chairperson, Board of Selectmen:

It has come to our attention that, year to date, the state treasurer's FY94 assessments for the Registry of Motor Vehicles Non-Renewal Surcharge program have included only the amounts for the Parking Non-Renewal Surcharge program (MGL Ch. 90, s20A). In FY94, for the first time, the assessments should also have included charges for the Motor Vehicle Excise Non-Renewal Surcharge (MGL Ch. 60A). Local treasurers have received a notice from the state treasurer detailing the FY94 charge for this program to be assessed in full as part of the June 30 local aid distribution.

This change necessitates an official revision of your community's FY95 cherry sheet assessment page, form CS 1-EC. Although columns 1 and 3 are not affected, please note the revised amounts to the following lines in **column 2, "Prior Year Underestimates To Be Raised"**:

<u>Line</u>	<u>Description</u>	<u>Revised Amount</u>
B9	RMV Non-Renewal Surcharge	\$6,550
B	Sub-Total, State Assessments	\$6,550
E	TOTAL ESTIMATED CHARGES, FISCAL 1995	\$6,550

In addition, the "Net Charges" figure on the bottom line changes as follows:

F	NET CHARGES, FISCAL 1995	\$70,124
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Please accept my apologies for any disruption this change may cause. If you have questions about this revision, please contact the Division's Local Aid Unit, at (617)727-2300.

Very truly yours,

Robert N. Addelson, Chief
Municipal Data Management and
Technical Assistance Bureau

RNA/jj

cc: Chairperson, Board of Assessors
Accountant/Auditor
Treasurer

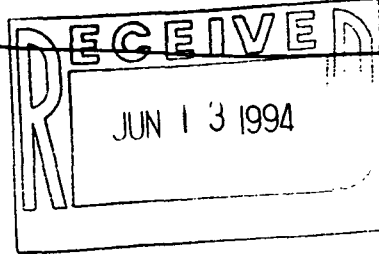
CC: HISTORICAL COMMISSION
HISTORIC DISTRICT COMMISSION
BOS

PLS.
RESPOND
IF
APPROPRIATE



HISTORIC MASSACHUSETTS

The nonprofit organization dedicated to preserving
the Commonwealth's historic and cultural heritage



June 13, 1994

Dear Friend:

We are writing to introduce our organization and ask for your support and assistance for a new project, an inventory and casebook of Historic Theaters in Massachusetts. Historic Massachusetts, Inc., is the non-profit organization that works with individuals and communities to revitalize and maintain the structures and landscapes that form this Commonwealth's rich history. Through public education and advocacy for preservation issues, HMI is dedicated to preserving our historic and cultural heritage for future generations.

The Historic Theaters project would identify historic, neglected or endangered theaters as well as successful restorations. The project goal is to conduct the inventory of historic theaters, create a database and publish a photographic casebook. Using this information we would work with local groups to publicize designated theaters and encourage an appropriate reuse, preferably as theaters, performance centers, or as a community resource devoted to the arts. Saving and restoring these structures, if they are run down or abandoned, can contribute to the revitalization and increased economic development of adjacent commercial areas and neighborhoods.

We are beginning our inventory process and would appreciate your assistance. If you have access to this type of information about theaters in your community we would appreciate your filling in the attached forms. If not, would you please send them to the appropriate department. We have mailed the request to Local Historical Commissions and Local Historical District Commissions, as well as to town or city administrators.

This survey includes all historic theaters, generally defined as those over 50 years old and with historic or cultural significance. These buildings no longer need to function as theaters to be eligible for this inventory. Adaptively-used structures, successful restorations or abandoned theaters are a part of this survey as are theaters that no longer exist but have been documented.

We appreciate any help you can give us. If you have questions concerning any aspect of the project, please call Eve Geller 617-723-3383.

Sincerely,

Marcia Molay

Marcia Molay
Executive Director

HISTORIC THEATERS PROGRAM

Property Information Form

The West Acton Universalist Church on 250 Central Street is the only building we have listed in Acton. It is located within a Local Historic District, designated in March of 1991. Use the space below to update this listing. If there are any other historic theaters in your community, please let us know. Enclosed is another sheet for new listings. Feel free to make additional copies of this form. Please return the forms by Friday **July 15**. Again, if you have any questions about the project please call Eve Geller at 617-723-3383.

1. PROPERTY NAME AND ADDRESS:

2. OWNER'S OR CONTACT'S

Name:

Address:

Phone:

3. DATES

Constructed:

Renovated:

Closed:

Last Opened:

4. TYPE OF THEATER (*Opera House, Movie, Playhouse etc.*):STYLE OF BUILDING (*if known*):

DESCRIBE CURRENT PHYSICAL CONDITION:

5. INFORMATION PROVIDED BY:

Name:

Address:

Phone:

Please use the back of this form if additional space is needed.

Historic Theaters Program

Property Information Form

1. Property name and address:

2. Owner's or contact's

Name:

Address:

Phone:

3. Dates

Constructed:

Renovated:

Closed:

Last Opened:

4. Type of Theater:

(Opera House, Movie, Playhouse, etc.)

Style of building:

(if known)

Current physical condition:

5. Information provided by

Name:

Address:

Phone:

Page over for duplicate form if needed

1. Property name and address:

2. Owner's or contact's

Name:

Address:

Phone:

3. Dates

Constructed:

Renovated:

Closed:

Last Opened:

4. Type of Theater:

(Opera House, Movie, Playhouse etc.)

Style of building:
(if known)

Current physical condition:

5. Information provided by

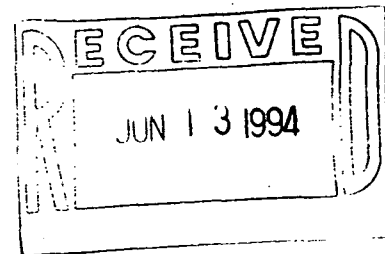
Name:

Address:

Phone:



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
COMMUNITY ANTENNA TELEVISION COMMISSION
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET, BOSTON 02202



(617) 727-6925

CC: BOS
CABLE ADVISORY COMM.

June 8, 1994

Dear Issuing Authority:

The enclosed attachment outlines a modification made to the cablecasting requirement found at 207 C.M.R. 6.39(4). Pursuant to 207 C.M.R. 6.85, the Commission finds that in order to serve the public interest, this provision must be waived accordingly.

Should you have any questions, please do not hesitate to call.

Sincerely,

Jill M. Reddish
Acting Commissioner



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
COMMUNITY ANTENNA TELEVISION COMMISSION
LEVERETT SALTONSTALL BUILDING
100 CAMBRIDGE STREET, BOSTON 02202

(617) 727-6925

June 8, 1994

Cameron F. Kerry, Esq.
Mintz, Levin, Cohn, Glovsky, and Popeo, P.C.
One Financial Center
Boston, MA 02111

Re: Request for waiver of 207 C.M.R. 6.39(4)
in Docket No. Y-93 issued May 20, 1994

Dear Attorney Kerry:

This is in response to your June 3, 1993 letter requesting a waiver of the Commission's cablecasting requirement contained in 207 C.M.R. 6.39(4). This request is made on behalf of A-R Cable Services, Inc.; Cablevision of Boston Limited Partnership; Cablevision of Brookline Limited Partnership; Times Mirror Cable Television, Inc., d/b/a Dimension Cable Services; Century Berkshire Cable Corporation; and Time Warner Entertainment Company, L.P., d/b/a Time Warner Cable.

The Commission believes that good cause exists for such request and hereby grants, in part, a waiver of 207 C.M.R. 6.39(4). Specifically, the Commission will require operators to cablecast a modified statement regarding the May 20, 1994 Rate Orders.

207 C.M.R. 6.39(4) provides, in part, that:

The cable operator shall cablecast a statement that provides the old rate, the new rate, and the effective date, as well as a notice that the decision is available from the Commission and the cable operator.

The Commission's cablecast regulation was promulgated prior to the adoption of the Federal Communication Commission's (the "FCC") Fourth Report and Order and, consequently, did not contemplate the changes resulting from that Order. The Commission agrees that compliance with its regulation as written might confuse subscribers, since they may receive notice of further rate reductions as a result of the FCC's new rules issued on March 30, 1994, simultaneously with the cablecast pertaining to the rates determined by the Commission's May 20, 1994 Rate Order. For this reason, the Commission believes that good cause exists for a partial waiver, and thus will not require that the public statement include the old rate, the new rate, or the effective date. 207

C.M.R. 6.85.

However, consistent with the Commission's desire to keep subscribers informed of all Commission rate decisions, a cable operator will be required to cablecast a public statement regarding the Rate Order pursuant to 207 C.M.R. 6.39(4). This cablecast shall include: the date the Order was issued; the time period for which refund liability may be calculated; to the extent necessary, the date refunds will appear in subscriber's bills; and a notice that the decision is available from the Commission and the cable operator.

The Commission will further grant cable operators an additional fourteen days from receipt of this letter to comply with the abovementioned cablecast requirement.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, reading "Jill M. Reddish".

Jill M. Reddish
Acting Commissioner



June 9, 1994

CC: BOS
CABLE ADVISORY COMM.

Ms. Dore Hunter, Chairperson
Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

Dear Chairperson Hunter:

Enclosed please find a copy of Cablevision's filing with the Massachusetts CATV Commission regarding Cablevision's new rates effective July 14, 1994.

These new rates will be subject to review and approval by the Massachusetts CATV Commission.

If you have any questions regarding this matter, please contact me at (508) 562-1675.

Sincerely,

William P. Morton
General Manager

WPM:cac

Enclosures: Copy of Mass. CATV Commission Letter
July 1994 FCC New Rates



June 9, 1994

Jill Reddish, Acting Commissioner
Massachusetts CATV Commission
100 Cambridge Street
Boston, MA 02210

Dear Acting Commissioner Reddish:

Effective July 14, 1994, Cablevision will be implementing new rates for cable television service in the communities of Hudson, Maynard, Stow, Acton, Sudbury, Fitchburg, Leominster, Gardner, Lunenburg, Templeton, Westminster, Norwood, Westwood, Lexington, Bedford, Braintree, Haverhill, Georgetown, Groveland, Peabody and Lynnfield. These changes are the consequence of revised regulations established by the Federal Communication Commission (FCC) on February 22, 1994. By this letter, we hereby notify you that pursuant to the Federal Communications Commission's Second Order on Reconsideration, Fourth Report and Order, and Fifth Notice of Proposed Rulemaking, released March 30, 1994, Paragraphs 135-138, 144 and 152, we are electing to take advantage of the deferral of refund liability as described therein. Therefore, we will file FCC Form 1200 with you by August 12, 1994.

As you know, last September rates were adjusted to reflect FCC mandated guidelines. Subsequent to that rate change, the FCC re-examined its original regulatory guidelines and reissued new rules and regulations regarding cable rates. These changes are being made to comply with the newest federal mandate.

Attached are the new rates for the communities listed above. The net effect of these changes will vary from subscriber to subscriber depending on their selection of services. Subscribers will be notified individually of how the rate changes will affect their bill. As in the past, we will keep you posted of any additional change that may occur.

Should you have any questions regarding this or any other cable related matter, please call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William P. Morton", written over a horizontal line.

William P. Morton
General Manager

WPM:cac

**JULY 1994 FCC NEW RATES – EFFECTIVE JULY 15, 1994
BASIC TIER AND FAMILY TIER**

**BROADCAST
BASIC**

OLD RATE	NEW RATE	VARIANCE
-------------	-------------	----------

**FAMILY
TIER**

OLD RATE	NEW RATE	VARIANCE
-------------	-------------	----------

**HUDSON
MAYNARD
STOW
ACTON
SUDBURY**

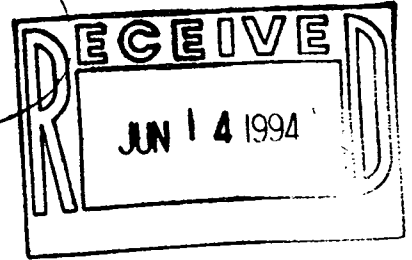
7.45	\$9.65	2.20
7.45	\$9.65	2.20
7.45	\$9.65	2.20
7.45	\$9.65	2.20
7.45	\$9.65	2.20

17.09	13.60	-3.49
17.09	13.60	-3.49
17.09	13.60	-3.49
17.09	13.60	-3.49
17.09	13.60	-3.49

CABLEVISIONSM

CC: BOS
CABLE ADVISORY COMMITTEE.

June 13, 1994



Ms. Dore Hunter, Chairperson
Board of Selectmen
Town Hall
472 Main Street
Acton, MA 01720

Dear Chairperson Hunter:

I am very pleased to introduce David Green to you, who will be assuming my responsibilities as Assistant General Manager in your community. I believe you will be very pleased with David because of his 14 year experience, most recently as General Manager of Cablevision's Brookline system. I will be moving to the Boston system where my responsibilities will be that of an Assistant General Manager, Public Affairs and Programming.

I very much enjoyed serving as Cablevision's representative to your community for the past 12 years. I have met some great people, and truly appreciate the professional manner in which you conducted our business dealings.

I will be available to David for any questions he may have about your community, and our past relationship.

I have enjoyed working with you, and am confident you will enjoy working with David.

Best Wishes,

Jay Somers
Assistant General Manager

JS:cc

ANDERSON & KREIGER

Attorneys at Law

STEPHEN D. ANDERSON

(Also admitted in VT)

ARTHUR P. KREIGER

(Also admitted in NY)

GEORGE A. HALL, JR.

The Bulfinch Building

47 Thorndike Street

Cambridge, MA 02141

(617) 252-6575

Fax: (617) 252-6899

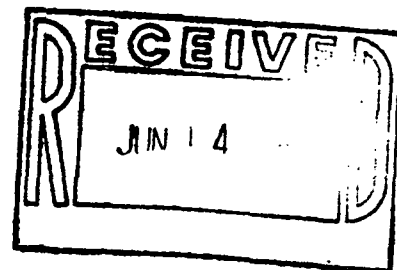
CYNTHIA HESLEN

(Also admitted in VT)

WILLIAM H. BRACK

(Also admitted in DC)

June 9, 1994



Town of Acton
Town Hall
Acton, MA 01720
ATTENTION: Don Johnson

Re: Legal Services

Dear Don:

Enclosed is our statement for legal services for the month ending May 31, 1994. If you have any questions about your statement, feel free to call me or our Manager, Jane Peterson.

Sincerely,

Stephen D. Anderson

SDA:kt
Enclosure

CHRIS - PLS. PREPARE FOR PYMT.
cc: JOHN

Anderson & Kreiger
The Bulfinch Building
47 Thorndike Street
Cambridge MA 02141

June 8, 1994

Town of Acton
Town Hall
Acton, MA 01720
ATTENTION: Don Johnson

Reference #:11554

Statement regarding: W.R. Grace & Co. matters

		<u>Hours</u>	<u>Amount</u>
I.	Professional Services		
05/03/94	CH Telephone conference with Doug Halley Review Lynne Jennings letter re update	0.68	68.00
05/04/94	CH Telephone conference with Doug Halley Telephone conference with SDA re May update Draft letter to Jennings re May Update Draft letter to Doug Halley	0.65	65.00
	SDA Review and revise letter to EPA re public information	0.10	14.00
05/05/94	CH Review May 4 letter from Okun re air emissions Telephone conference with SDA re same Telephone conference with Okun re air emissions Review CDM letter	0.80	80.00
	SDA Review Okun Fax re air monitoring Telephone conference with CH re same	0.17	23.80
	SDA Telephone conference with Jim Okun re air monitoring recommendations	0.10	14.00
05/06/94	SDA Telephone conference with John Murray re GZA offer	0.10	14.00

			<u>Hours</u>	<u>Amount</u>
05/06/94	SDA	Telephone conference with Birnbaum re acceptance	0.10	14.00
05/09/94	CH	Telephone conference with Jim Okun re May 4 Ingram letter	0.17	17.00
	SDA	Correspondence to Birnbaum re GZA gift	0.17	23.80
	SDA	Telephone conference with Sharon Summers re fund	0.10	14.00
05/10/94	CH	Review May 4 letter from EPA	1.02	102.00
		Review April 19 letter from ACES		
		Review May 4 letter from Grace re deadlines		
		Review May 4 letter from Grace re analytical data		
		Telephone conference with SDA re analytical data issue		
	SDA	Telephone conference with CH re Grace proposal to revise monitoring plan	0.10	14.00
05/11/94	CH	Review consultant contract	0.32	32.00
05/12/94	CH	Draft consultant agreement	3.03	303.00
05/13/94	CH	Review and revise consultant agreement	1.47	147.00
05/16/94	CH	Review May 10 Canonie Draft Site Work Plan	3.45	345.00
		Review May 94 CDM Draft Site Work Plan		
		Review and revise consultant contract		
		Conference with SDA re status		
05/17/94	CH	Review Vol I of GZA Construction Quality Control Plan	1.87	187.00
		Conference with SDA re consultant agreement		
	SDA	Review and revise Agreement with Okun	0.30	42.00
05/18/94	CH	Review letter from Okun re VFL	1.05	105.00
		Memorandum to SDA re same		
		Telephone conference with SDA re comments to EPA on VFL		
		Telephone conference with Doug Halley re comments on VFL (x2)		
		Telephone conference with Okun re draft comments on VFL		
	SDA	Telephone conference with Birnbaum re delay in payment	0.10	14.00
	SDA	Telephone conference with Murray re delay in payment	0.10	14.00

		<u>Hours</u>	<u>Amount</u>
05/20/94	SDA Telephone conference with Okun re GZA-Grace contract	0.10	14.00
05/23/94	CH Review May 11 memo from CDM Draft comments to Governmental Parties re VFL emissions Telephone conference with Jim Okun re status (x4) Review and revise consultant agreement Correspondence to Don Johnson re agreement	3.12	312.00
05/24/94	CH Draft comments re monitoring plan Memorandum to SDA	4.08	408.00
05/25/94	CH Finalize comment letter	0.20	20.00
05/26/94	CH Telephone conference with M. LeBlanc DEP re tentative meeting dates Telephone conference with Okun re same Review information update	0.63	63.00
05/31/94	CH Review May 24 CDM letter re 4th Quarter Telephone conference with Jim Okun (x2)	0.55	55.00
Total costs for professional services:		24.63	\$2,524.60

II. Additional Costs

05/04/94	-- Document retrieval	41.83
05/31/94	-- Fax telephone calls	2.22
	-- Car telephone calls	24.25
	-- Telephone costs	3.37
	-- Photocopy - in-house for month of May	6.80
	-- Postage - in-house for month of May	3.82
	-- Fax costs	7.60

Total additional costs:	\$89.89
-------------------------	---------

Total amount of this statement	\$2,614.49
--------------------------------	------------

Amount

Previous balance

\$3,321.28

Balance due

\$5,935.77

Please note: We look forward to receiving your prompt payment. Otherwise, interest provisions may apply.

Anderson & Kreiger TID#: 04-2988950

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
2,614.49	3,321.28	0.00	0.00	0.00

We have not received your payment from last month. We look forward to receiving it shortly.

Attorney/Paralegal Summary

<u>Atty/Paralegal</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Cynthia Heslen	23.09	100.00	\$2,309.00
Stephen D. Anderson	1.54	140.00	\$215.60

Anderson & Kreiger
The Bulfinch Building
47 Thorndike Street
Cambridge MA 02141

June 8, 1994

Town of Acton
Town Hall
Acton, MA 01720
ATTENTION: Don Johnson

Reference #:11555

Statement regarding: NESWC Stabilization Fund Reconciliation

	<u>Amount</u>
II. Additional Costs	
05/31/94 -- Fax telephone calls	0.36
-- Telephone costs	5.44
	<hr/>
Total additional costs:	\$5.80
 Previous balance	 \$1,304.69
	<hr/>
Balance due	\$1,310.49
	<hr/>

Please note: We look forward to receiving your prompt payment. Otherwise, interest provisions may apply.

<u>Current</u>	<u>30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120 Days</u>
5.80	1,304.69	0.00	0.00	0.00

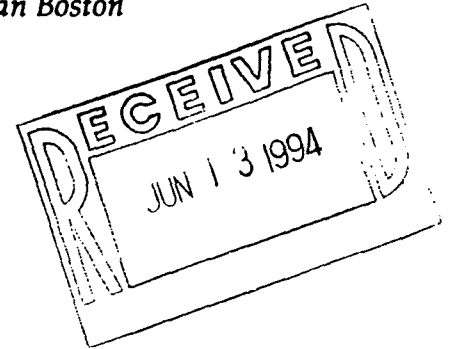
We have not received your payment from last month. We look forward to receiving it shortly.



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston



June 1, 1994

Dear Chief Elected Official:

When the Metropolitan Area Planning Council developed a Transportation Improvement Program in 1992 that covered the Fiscal Years 1993-1995 we had set aside a category of funding for innovative measures to achieve air quality reduction goals. This funding has generally been referred to as Transportation Demand Management funding. In Fiscal Year 1993 the funds covered the following projects:

- Initiation of a transit voucher program;
- Funding for Transportation Management Associations through CARAVAN;
- The start-up of a new shuttle bus service in Peabody;
- A pilot transit project being implemented in Gloucester to shuttle summer visitors from fringe parking facilities to area beaches;
- Providing new or expanded commuter parking facilities in Sharon and Milford;
- Bicycle lockers at commuter train stations in Concord; and
- Conversion of the Concord electric utility meter reading vehicles to run on electricity.

It is time once again to develop and submit proposals for projects for consideration under this funding category.

Attached are a set of guidelines that were followed last year that were jointly developed by MAPC and EOTC staff. These guidelines will once again be followed for this year. The major considerations that are used in judging projects include the number of people who will use the facility (potential demand), potential air quality benefits, and a cost/benefit analysis that allows us to compare the cost of the proposal to the air pollution reduction.

JOHN -

P.L.S. CONTACT ROLAND & OTHER STAFF
FOR ANY POSSIBLE SUBMISSIONS. THE PROBLEM
IS NOTED ON P. 2... DUE 7/1.

CC: ROLAND
BOS

Edmund P. Tarallo, President

William G. Constable, Vice-President

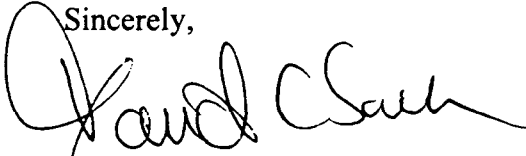
Dianne M. Shea, Secretary

Richard A. Easler, Treasurer

David C. Soule, Executive Director

Given that it is near the end of the federal fiscal year, it is important that project requests are received as quickly as possible. We have not been given a formal deadline for submittals, but would expect that all requests will need to be received before July first. MAPC staff, Daniel Fortier or Christopher Skelly, are available to assist you in trying to identify the air pollution reduction associated with any proposal. I look forward to receiving your project applications.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Soule". The signature is fluid and cursive, with the first name "David" being more prominent and the last name "Soule" following in a similar style.

David C. Soule
Executive Director

cc: Municipal Managers/Planning Directors
MAPC Community Representatives

Guidelines for Evaluating Transportation Demand Management Project Proposals

I. Introduction

The following guidelines are proposed for evaluating funding eligibility of transportation demand management (TDM) project proposals with ISTEA (Intermodal Surface Transportation Efficiency Act) CMAQ (Congestion Mitigation-Air Quality) funds. The procedure and guidelines will be reassessed after the first year of implementation. The intent of this program is to provide, at a minimum, short term air quality improvements and to generate data about the feasibility, effectiveness, costs and benefits of TDM activities. This program will also promote new and innovative TDM approaches to reduce auto trips and vehicle miles of travel (VMT).

Regarding the administration of these funds, the following procedure has been proposed. Project proposals will be submitted to the appropriate Regional Planning Agency (RPA) which will then rank them according to the criteria and weighting system outlined in Section V. Project selection and evaluation will be done by a committee with representatives from MHD (Massachusetts Highway Department), DEP (Department of Environmental Protection), two MARPA (Massachusetts of Regional Planning Associations) representatives, and Federal Highway Administration (ex officio). Funds will be first distributed to the RPAs who will then administer contracts with selected project proponents in their regions.

II. Eligibility

The goals of this program include facilitating the implementation of TDM activities and cooperative agreements which will promote improved air quality and reduced traffic congestion. Projects involving both public and private sectors are encouraged. Applicants must be able to verify that they have the authority or responsibility for implementing projects of this nature.

Project applicants should have the endorsement of at least one co-sponsor, who will be involved primarily in a supportive role to the applicant (both parties' responsibilities are outlined below), to demonstrate community support for the project.

Eligible applicant groups are listed below:

- Cities and towns
- RPAs
- CARAVAN (except for TMA-related proposals)
- Transit operators/providers

The list of eligible applicant groups relates only to the primary project applicants, not Co-sponsors.

III. Responsibilities of each Party

A. Project Applicant

1. Meet application eligibility requirements, including the following:
 - a) Demonstrate project subject matter is eligible.
 - b) Have at least one co-sponsor.
2. Compete in application and selection process.
3. Provide a minimum of 10 percent in matching funds, or an equivalent amount of "in-kind" services. Higher match percentages will be looked on favorably.
4. Execute, promote, and/or market project.
5. Participate in conclusion/evaluation process.
6. Provide follow-up information.

B. Co-Sponsor

1. Endorse project.
2. May make a funding commitment (not required but encouraged).
3. Promote and/or market project.
4. Participate in conclusion/evaluation process.

IV. Project Duration

Project funding will be for a minimum of one year and a maximum of two years. The one year minimum should allow for an adequate test of the proposal. The maximum time indicates that this funding is not for offsetting permanent operational expenses of successful TDM projects.

V. Project Selection

Parts A and B of this section outline the various criteria which will be used to evaluate and select proposals. Part A encompasses those criteria which can be measured through some established quantifiable method. Part B addresses those criteria which represent an important measure for evaluation but which cannot be expressed in quantifiable terms. The system for

weighting these criteria is contained in Appendix A, where the numbered criteria correspond to those outlined in Parts A and B.

Because of the limited available CMAQ funding for TDM projects, some emphasis will be placed on proposals not eligible for alternative types of funding under ISTEA or from other sources. A further goal of this program is to ensure, especially in future years, that the funded mix of CMAQ projects, including TDM, leads to synergistic effects by promoting, to the extent possible, projects which complement each other or some existing situation. Proposals should discuss each of these issues.

A. Quantitative Criteria

Assumptions used in documenting Numbers 1-3 below should be documented and sourced explicitly.

1. What is potential demand for the project? This could be assessed through, among other means, surveys, employee counts, air quality information, available data.
2. What are expected congestion relief/mobility improvement benefits from the project? Applicants should be these benefits on project-specific indicators such as: the number of trips eliminated, VMT reduction, reduction in number of SOV trips, and cold starts of vehicles. The selection committee will also focus on whether or not the proposals reduce volatile organic compounds (hydrocarbons) and nitrogen oxides.
3. What are estimated costs/benefits of the project? This ratio should be calculated using two different costs: total project cost and amount of funds requested. Benefits used in the calculation should be those determined in A.2.

B. Qualitative Criteria

1. What is level of public/private partnership represented by project? For example, what is local match?
2. Is there interagency/interjurisdictional support for project? (Perhaps measured by number of co-sponsors.)
3. Is project new or innovative?
4. Does project have replication potential?
5. Does project accomplish modal integration?
6. Does project serve a major trip generator, such as an airport, conference center?
7. What are project applicant's qualifications? Document experience developing, implementing and monitoring projects.
8. Is there an ongoing commitment to the project (beyond the life of the demonstration project, if it is successful)?
9. Does project duplicate service?
10. Does project provide for trip elimination and/or reduction?

VII. Project Evaluation

Following the completion of TDM projects funded under this program, projects will be evaluated by the same committee established for selection and evaluation of proposals. The final evaluation will focus on the same basic criteria used for selecting proposals. The emphasis of the evaluation will rest on the extent to which the project met the projected air quality goals.

Appendix A: Score Assignment

	<u>Weight</u>	<u>Points</u>
Overall Criteria:		
Quantitative	50%	100
Qualitative	50%	<u>100</u>
Total	100%	200

The section below details the weight assigned to each criterion.

Quantitative Criteria:

1. Potential Demand	20
2. Air Quality benefit	50
3. Cost-Benefit	<u>30</u>
Subtotal	100

Qualitative Criteria:

1. Public/Private Partnership	10
2. Interagency/Interjurisdictional Support	8
3. New/Innovative	10
4. Replication Potential	15
5. Modal Integration	16
6. Trip Generators	4
7. Applicant Qualifications	10
8. On-going Commitment	8
9. Non-Duplication	5
10. Trip Elimination	<u>14</u>
Subtotal	100



The Commonwealth of Massachusetts
Executive Office of Transportation and Construction
Ten Park Plaza, Boston, MA 02116-3969

William F. Weld
Governor

Argeo Paul Cellucci
Lieutenant Governor

James J. Kerasiotes
Secretary

June 15, 1994

Mr. Norman Lake
Chairman, Board of Selectmen
Town of Acton
472 Main Street
Acton, Massachusetts 01720

CC: D. ABBT } FYE
ROLAND B. }

Dear Mr. Lake:

Thank you for your letter of June 7, 1994, whereby you expressed concerns about the status of the Route 27 bridge in Acton, given the recently-proposed TIP amendment for the Central Artery/Third Harbor Tunnel.

According to Highway Department staff, there are a number of issues yet to be resolved before the Acton project can be advertised, among which, the completion of the design, a number of right-of-way takings, and permits appropriate to the historic district where the bridge is located.

In addition, the delay in the passage of the current transportation bond bill has prevented the state from awarding contracts for any project advertised since January. As a result, a significant portion of this construction season has already been lost.

Let me assure you however that progress is apace with your project. It is currently in the FFY 1993 - 1995 TIP with an expected advertising date sometime in the spring of 1995.

If in the interim you have any questions, or if you need additional information, kindly contact my staff.

Sincerely,

Daniel F. Beagan
Director

June 7, 1994

Mr. Daniel Beagan
Executive Secretary
Boston Metropolitan Planning Organization
State Transportation Building
Ten Park Plaza, Suite 2150
Boston, MA 02116-3968

REGARDING: Proposed TIP Amendment (MHD ID: 195001 & 011710)

Dear Mr. Beagan:

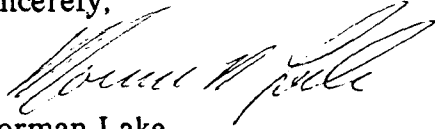
We have received notice of the above referenced amendment which proposes to commit \$17,123,125 of FY 1995 funds from the Bridge Program toward Central Artery Activities. Additional \$30,401,250 and \$52,086,250 would be committed for FY 1996 and FY 1997 respectively.

For a number of year Acton's Route 27 bridge (MHD ID: 104749) has been in need of replacement. Its condition has further deteriorated over those years. Due to severe corrosion a weight limit of 6 tons must be enforced rigorously. That prevents Acton's fire trucks from crossing to answer emergency calls. In addition the bridge serves a regional need as it is the only direct access from Route 2 to Maynard. A bridge failure would be catastrophic for commuter and other business traffic. Digital Equipment Corporation, the area's largest employer, is located in Maynard.

This bridge replacement project has been listed in the TIP program for a long time, but it has been postponed year after year. It is now scheduled for FY 1995. The proposed amendment raises the possibility that once again funds be diverted from this project. The Town of Acton, and in fact the region as whole, cannot accept another postponement of this important project.

With this letter we wish to go on record that we strongly oppose the proposed amendment if that means that the Route 27 bridge replacement cannot remain on schedule for FY 1995.

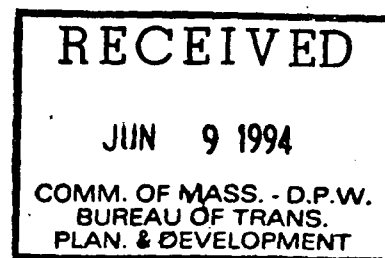
Sincerely,



Norman Lake
Chairman
Board of Selectmen

cc: Senator Robert A. Durand
Representative Pamela P. Resor
Chris Skelly, Metropolitan Area Planning Council
Richard Downey, MAGIC
Maynard Board of Selectmen
Digital Equipment Corporation

rlet.94*11





Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

cc: BOS

cc: D. ABBT
R. BARTL

AN ACTION ALERT ON YOUR TRANSPORTATION PROJECTS

June 16, 1994

Dear Chief Elected Official:

As you know from previous correspondence, we are now involved in developing the Transportation Improvement Program for fiscal years 1995, 1996 and 1997. The TIP is a 3 year program of highway and transit projects in the Boston region. We expect that the Draft TIP will be distributed for public review within the next two weeks. We have already provided the Executive Office of Transportation and Construction a list of projects under the Surface Transportation Program funding category (See Transportation Funding Categories - Attachment 1). We expect these projects to be included in the TIP. The projects from your community that the MAPC submitted to the state are included here as Attachment 2. Please note that this list only includes projects within the Surface Transportation Program (STP). These funds are available for community projects.

We now understand that the Massachusetts Highway Department proposes to use virtually all of the National Highway System (NHS) and Bridge funding for the Central Artery/Tunnel project. If this happens, the state may recommend moving NHS and Bridge projects to STP which could jeopardize local projects.

At this time, it is unclear which NHS and Bridge projects could be funded through other sources (such as the Surface Transportation Program or Non-Federal Aid) and which may not be funded at all. This will not be known until the Transportation Bond Bill passes the state legislature and funding levels are determined. Then, projects may be shifted from NHS and Bridge to the other funding categories. However, financial constraints in the other categories may result in the inability to fund all projects. We will provide the communities with further information on this as soon as possible.

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

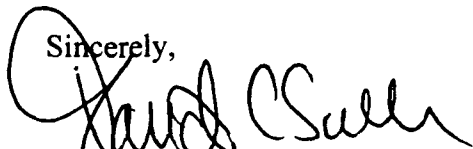
Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

If you have any further questions on the Transportation Improvement Program, please contact Christopher C. Skelly at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Soule", written over the word "Sincerely,".

David C. Soule
Executive Director

cc: Community TIP Contact
Community MAPC Representative

**Attachment 1 -
Transportation Funding Categories**

The funding categories for highway transportation projects are as follows:

Bridge Replacement & Rehabilitation Program

For federally aid eligible bridges in the Commonwealth of MA maintained by the state or the local communities.

Congestion Mitigation and Air Quality Program (CMAQ)

For federally aid eligible projects which mitigate congestion or improve air quality in the Commonwealth of MA.

Interstate Maintenance (IM)

For federally aid eligible maintenance projects on the interstates of the Commonwealth of MA.

Non-Federal Aid (NFA)

For various projects which do not use federal transportation funds. Non Federal Aid is 100% state funded and is typically funded through transportation bond bills.

National Highway System (NHS)

For federally aid eligible highways which are part of the National Highway System (ie., I-95, I-495, Route 1, Route 9, etc.)

Surface Transportation Program (STP)

For federally aid eligible roadways which are maintained by the state or the local communities. These are functionally classified as collectors or arterials.

ATTACHMENT 2**DRAFT FY 95-97 TIP (STP FUNDING CATEGORY ONLY)
LIST OF PROJECTS SUBMITTED BY THE MAPC TO THE STATE**

COMMUNITY	FY	FUND CAT	COST	PROJECT DESCRIPTOR
ACTON				
BICYCLE RACKS & LOCKERS	96D	STP ENHMT	\$25,000.00	BICYCLE RACKS & LOCKERS
CENTRAL ST SIDEWALKS	96D	STP ENHMT	\$300,000.00	SIDEWALK IMPROVEMENTS
CONCORD RD SIDEWALKS	96D	STP ENHMT	\$210,000.00	SIDEWALK IMPROVEMENTS
HIGH ST SIDEWALKS	96D	STP ENHMT	\$270,000.00	SIDEWALK IMPROVEMENTS
ROUTE 27	97D	STP SAFETY	\$450,000.00	INTERSECTION IMPROVEMENTS
ROUTE 27 SIDEWALKS	96D	STP ENHMT	\$630,000.00	SIDEWALK IMPROVEMENTS
ROUTE 2A	97D	STP	\$550,000.00	INTERSECTION IMPROVEMENTS
ROUTE 2A SIDEWALKS	96D	STP ENHMT	\$630,000.00	SIDEWALK IMPROVEMENTS
ROUTE 62	97D	STP	\$48,000.00	SIGNAL IMPROVEMENTS
SCHOOL ST & LAWSBROOK RD	96D	STP ENHMT	\$210,000.00	SIDEWALK IMPROVEMENTS
			\$3,323,000.00	



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

cc: BOS

ACTION ALERT

June 14, 1994

TO: Chief Elected Officials
FR: David C. Soule, Executive Director
RE: Open Space Bond Bill

The Open Space Bond Bill filed by Governor Weld in February, was addressed by the Joint Committee on Natural Resources and Agriculture on Tuesday, June 14 at 11:00 a.m during a delayed committee hearing. The hearing was delayed due to public outcry against \$2.5 million in operation budget cuts by the Weld Administration, necessitating additional hearings. Funding was restored, and testimony on the Open Space Bond bill was prepared and presented by MAPC. The committee report is expected out shortly. MAPC strongly urges all Chief Elected Officials and Representatives to contact your Senators and Representatives to support this legislation.

The Open Space Bond Bill, a strong MAPC priority, allocates \$300 million for various open space initiatives, including funds used to create a Commonwealth Land Conservation Trust, a public-private partnership for acquiring open space, wetlands protection and watershed land acquisition, authorizations for infrastructure improvements at parks and facilities, sufficient funding for Geographical Information Systems (GIS) activities, coastal monitoring, habitat restoration and other protective measures, an environmental education matching grant program, compliance with the Americans with Disabilities Act among other initiatives.

Metrogreen, the land resources protection element of MetroPlan 2000, has previously found that funding for land resource protection has lagged behind funding for other regional needs. The Open Space Bond Bill helps to address this discrepancy in funding levels. MAPC is particularly pleased with the inclusion of GIS allocations, as GIS provides comprehensive data necessary to facilitate more efficient and comprehensive planning efforts.

MAPC strongly supports the passage of the Open Space Bond Bill, and appreciates the value it provides to open space and environmental efforts. Corespondance to your legislators can make a difference-- please urge them to favorably support the timely passage of the Open Space Bond Bill.

cc: MAPC Community Representatives

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

PRINTED ON RECYCLED PAPER

cc: BOS



Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

ACTION ALERT

June 13, 1994

TO: Chief Elected Officials
FR: David C. Soule, Executive Director
RE: Budget Line Item 3100-0200
Municipal Incentive Grants (MIGS)

	<u>House 1</u>	<u>House</u>	<u>Senate</u>	<u>Lees Amendment</u>	<u>Total Senate + Lees</u>
<u>Program Funds</u>	1,800,000	1,397,443	1,426,874	373,126	1,800,000
<u>Admin Funds</u>	850,000	850,000	792,864*	57,136	850,000
TOTAL	2,650,000	2,247,443	2,219,738	430,262	2,650,000

*Senate Ways and Means consolidated all administrative accounts in EOCD's general administrative line item (3000-0100). The Senate figure is the total amount being carried by Senate Ways and Means for the administration of the MIGS program (non-PP subsidiary). SW&M has indicated that certain non-PP program expenditures may be expended out of the MIGS program account, totaling \$69,000.

The Metropolitan Area Planning Council would like to alert communities that the Governor's version of budget line item 3100-0200, which provides for the municipal incentive grant (MIGS) program through the Executive Office of Communities and Development (EOCD), has been cut substantially by the Ways and Means Committees of both the House and Senate. The House budget has underfunded the MIGS program by \$402,557, while the Senate has underfunded the program by \$373,126, and administrative costs by \$57,136. Senator Brian P. Lees (R-E. Longmeadow) is offering two amendments on the Senate floor; the first to restore funding for the MIGS program, and the second for administrative costs in implementing the program.

Lauded by municipalities and legislators alike, municipal incentive grants are designed to assist Massachusetts local government officials in the planning, management, and operations of cities and towns. Through these EOCD grants, municipalities, counties, and regional planning agencies are given a greater financial ability and opportunity to plan and operate long-range projects. MIGS categories include: strategic planning, service and innovation, and capacity building.

Strategic planning projects funded through the MIGS program target land use and development planning needs in communities, and prepare them to anticipate and guide growth and change. The service and innovation element is a useful resource for internal and external cooperation among communities. The capacity building element is effectively used to enhance the ability of municipal personnel. It addresses management needs, develops personnel through training, and provides incentives for fiscal management.

The Metropolitan Area Planning Council is pleased with the past success of the program, and we anticipate continued success. Please support Senator Lees' amendments to MIGS allocations by contacting your legislators today.

cc: MAPC Community Representatives

Edmund P. Tarallo, *President*

William G. Constable, *Vice-President*

Dianne M. Shea, *Secretary*

Richard A. Easler, *Treasurer*

David C. Soule, *Executive Director*

PRINTED ON RECYCLED PAPER

FILE COPY

JUNE 17, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

JUNE 21, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:45 CROSSROADS CAFE - Liquor license violation review.
2. 8:00 SITE PLAN SPECIAL PERMIT #4/15/94-345 - (MULLIN) Restaurant at 251 Arlington Street - This hearing was continued from June 7, 1994. Please let the Manager's Office know if you did not retain the materials from the June 7th packet.
3. 8:30 ATLANTIC GRILL - Liquor license violation review.
4. 8:45 DAVID BROWN - COMMITTEE INTERVIEW - BOARD OF ASSESSORS - Enclosed please find Citizen Resource Sheet and VCC Recommendation for David Brown as a Full Member of the Board of Assessors to expire 6/30/97.

III. SELECTMEN'S BUSINESS

5. PRISON ADVISORY COMMITTEE APPOINTMENT - Enclosed please find a recommendation from VCC to appoint Thomas Ballantyne to a term to expire 6/30/97 for Board action.
6. PLANNING BOARD APPOINTMENT - Enclosed please find a request from Planning Staff that the Board approve their request to move Joshua Chernin and Richard Croswell from Associate Members to Full Members for Board discussion.

IV. CONSENT AGENDA

7. ACCEPT MINUTES - Enclosed Please find the Minutes from May 3, and May 17th for Board approval.

8. SITE PLAN SPECIAL PERMIT AMENDMENT - Enclosed please find a request and comment from the Building Commissioner to amend Site Plan #7/8/91-332 Village Saab for Board action.
9. FEE WAIVER - Enclosed please find a request from Stamski and McNary in behalf of its client Distinctive Acton Homes, Inc. for a reduced Common Drive way filing fee and staff comment for Board action.
10. ACCEPT GIFT - Enclosed please find copies of checks in connection with Site Plan Special Permit #11/5/93-341 from Wendy's International with staff comment and recommendation for Board action.
11. KELLEY'S CORNER MIG GRANT ENDORSEMENT - Enclosed please find a letter drafted by Planning staff for Board signature to be submitted with the Town's MIG Grant for Board review and action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

July 12 - Papa Gino's Violation review
Sanford Motors - Class II
July 26 -

6/21/94
①

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

May 11, 1994

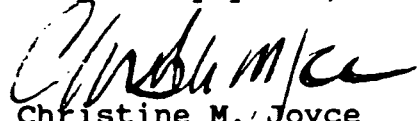
Jay Manning
Crossroads Cafe
Nagog Sq.
Acton, MA 01720

RE: CHANGE OF HEARING DATE

Dear Mr. Manning:

Due to a scheduling conflict the Board of Selectmen have cancelled their meeting originally posted for June 14th. I have re-scheduled your appearance before the Board from June 14th at 7:45 to JUNE 21, 1994 at 7:45 P.M. Please call my office at 264-9612 to confirm your ability to attend this re-scheduled appointment.

Very truly yours,


Christine M. Joyce
Town Manager's Office

cc: FILE

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

TO: Chief Robinson

DATE: April 1, 1994

FROM: Lt. McNiff

SUBJ: Liquor purchase by minors at restaurants

At approx. 2030 hrs on this date I met with Kristin Dineen, 10 Dignon Rd. Billerica, DOB 11/7/73 as previously arranged. Ms Dineen has been utilized by this department in the past for the purposes of buying liquor by a minor. She was accompanied by her boyfriend Steven Quintin, 724 Shawaheen St., Tewksbury, DOB 5/8/73. Both subjects agreed to attempt to purchase alcohol at various restaurants in Acton.

We attempted to purchase liquor at five restaurants. One of these has no bar in service as yet. However, of the other four we were successful at three of them.

Sichauan Pavilian - had no bar in operation at this time.

Scupper Jacks - Both Steven and Kristin entered Scupper Jacks and were seated on the stools in the bar area but not at the bar itself. They ordered and were served two Killian Red Beers by Christynn Rothmel, the waitress. I entered the bar area and observed these beers on the small table in front of them. I identified myself to Ms Rothmel and we went to the office of the manager where I met Jack Mendosa. I explained to him the situation and he asked Ms Rothmel if she had requested an ID from either of these customers. She stated that she had not. Mr. Mendosa told me that it was their policy to request IDs from anyone who appeared 25 years of age or younger. I informed Mr. Mendosa that I would be filing my report but action, if any against his restaurant would come from the licencing authority.

Cross Roads - Both subjects entered Cross Roads Restaurant and Kristin was served 1 Rolling Rock Beer and 1 Zima brew (a beer-like beverage that contains about the same amount of alcohol as beer) over

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

the bar by Glenn Matot, the bartender. I entered the bar area and observed these beverages being delivered to Kristin. I then met Jay Manning and explained the situation to him. He introduced me to Glenn Matot who stated that he did not request an ID from Kristin because he thought she was over 21. Checking IDs at Cross Roads is a matter left to the discretion of the server. Occasionally Mr. Manning works a doorman at which time he checks the IDs but such was not the case this evening. I explained to Mr. Manning that action, if any would come from the licencing authority.

~~Makaha - requested identification from Kristin and when she was unable to provide same they were told to leave the lounge.~~

~~Golden Bull - Both subjects entered the lounge and were served two Miller Lite Beers by Psoy Yee Than the waitress. I entered the lounge and observed the beer on the table before them. I then identified myself to the manager Kenny Lung. As above, he was informed that action, if any would come from the licencing authority.~~

~~Both the Candelwood and Kormet were closed by the time we attempted to enter. The Beef 'N Ale and New London Pizza, being restaurants without lounges will be tested at a future date during the lunch hour towards which their business is directed.~~

6/21/94
(2)

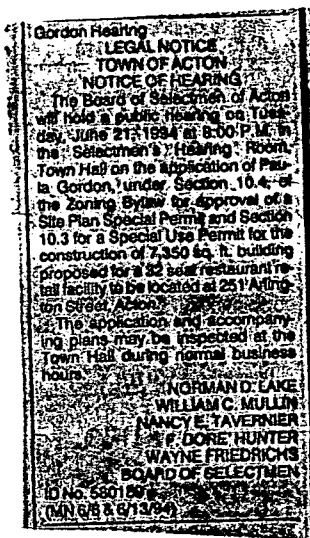
TOWN OF ACTON
NOTICE OF HEARING

The Board of Selectmen of Acton will hold a public hearing on Tuesday, June 21, 1994 at 8:00 P.M. in the Selectmen's Hearing Room, Town Hall on the application of Paula Gordon, under Section 10.4, of the Zoning Bylaw for approval of a Site Plan Special Permit and Section 10.3 for a Special Use Permit for the construction of 7,350 sq. ft. building proposed for a 32 seat restaurant/retail facility to be located at 251 Arlington Street, Acton.

The application and accompanying plans may be inspected at the Town Hall during normal business hours.

NORMAN D. LAKE
WILLIAM C. MULLIN
NANCY E. TAVERNIER
F. DORE' HUNTER
WAYNE FRIEDRICHS
BOARD OF SELECTMEN

835



6/21/94
3

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Norman Lake, Chairman
Board of Selectmen

April 26, 1994

Atlantic Seafood Grill
Ali Zosherafatain
77 Great Road
Acton, MA 01720

Dear Mr. Zosherafatain:

On April 29, 1994 the Acton Police Department conducted a spot check with respect to your policies and procedures for the service or sale of alcoholic beverages to minors. The Board of Selectmen has been advised by the Police Chief that, during the course of this check, your establishment allowed the purchase of an alcoholic beverage by a minor.

The Board of Selectmen considers this to be a serious violation of the responsibilities of a Liquor License holder in the Town of Acton and has ordered a hearing into this matter. The hearing will be before the Board of Selectmen at 8:35 PM on June 21, 1994 in Room 204 of the Acton Town Hall. You or your duly authorized representative are requested to appear before the Board at that time to explain the circumstances related to the incident in question and to detail the safeguards that you have enacted to insure that such incidents do not occur again. Your testimony will be considered in the Board's determination as to what action(s) it will take under the circumstances.

Please contact the Town Manager's office at 264-9612 to confirm your representation at the scheduled hearing.

Very truly yours,

Norman D. Lake, Chairman
Board of Selectmen

DPJ:992

FILE COPY

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

5/17/99

CHRIS - DID WE
PICK UP THESE
ADDC VIOLATIONS
AND WRITE THEM IN
TOO? RM

TO: Chief Robinson
FROM: Lt. McNiff
SUBJ: Furnsihing alcohol to a minor

DATE: April 29, 1994

On this date I again met Ms Kristin Dineen, dob 11/7/73 to complete checking on possible liquor licence violations relating to selling or furnishing alcohol to minors.

Beginning at 12:45 hrs we checked Pizza Hut, Beef 'n Ale, Atlantic Seafood Grill, The Candelwood, and Papa Gino's. Of the six establishments MS Dineen was served wine at the Atlantic Seafood Grill and at Papa Gino's.

At the Atlantic Seafood Grill I identified myself to Mr. Hamid Alipzadeh, the manager who told me that the bartender/waiter that served Ms Dineen the wine was Scott Wedge. Mr. Wedge stated that he did not ask Ms. Dineen for her ID as he thought she was over 21. The policy of the restaurant is to card anyone that looks to young to be served. I told Mr. Alizpadeh that I would be submitting this report and that he would be hearing from the licencing authority of the Town.

6/21
8:50

At Papa Gino's I identified myself to the manager Renne Brunelle who brought her supervisor, Donna Braun into the conversation. I was informed that Ms. Dineen was served wine by David Lozier, an assistant manager. I spoke to Lozier rel why he did not card Ms Dineen and he told me that he thought she was old enough. Restaurant policy is to card everyone but because it was at the busy dinner hour he did not do same.

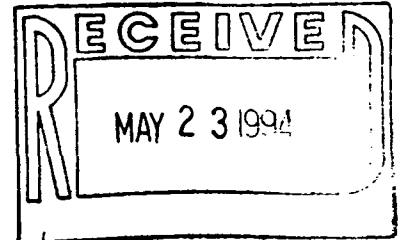
7/12
8:15

I received information from Lt. Widmayer that Don Johnson has scheduled a hearing on May 17 with the establishments that sold alcohol to Ms Dineen would be brought before the BOS. I was also informed that Mr. Johnson would like a picture of Ms Dineen and with

TOWN OF ACTON POLICE DEPARTMENT
INTER-DEPARTMENTAL COMMUNICATION

her permission, I have attached the same hereto.

6/21/94 (4)



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 1 April 1994 *Resubmitted 5/23/94*
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee *Wickstrom*
SUBJECT : Recommendations for Appointments

At its 28 March 1994 meeting, the VCC voted to recommend the following candidates for appointments:

David E. BROWN as an ~~Alternate~~ *Full* Member to the Board of Assessors for a three-year term expiring 30 June 1997. His education and work experience should contribute to Board and he is anxious to become involved in community activities.

Thomas C. BALLANTYNE to full member on the Prison Advisory Committee. Term to expire 30 June 1997. He has been involved in some of the fellowship activities at the institution.

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: 1/4/94

Mr / Mrs Brown David E.
Ms / Dr Last Name First Name Middle Initial

8 Horseshoe Dr, Acton 263-0909 (617) 573-2468
Street Address Home Phone Business Phone

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) Finance Committee
- 2) Board of Assessors CK
- 3) Prison Advisory Committee

*1-10-94
Morty interested
in Finance
- who pays
cost of Assessor
training?
P for Finance
forward to
Don McK.*

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

Finance Committee, chairman. University of Maine - approx -
Undergraduate Business Assoc. - 1983.

Do you have any time restrictions? No

How long have you lived in Acton? 4 1/2 yrs in Massachusetts? 8 yrs

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) Banker
RECOLL Management Corp / Fleet Financial Group

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? No

Education or special training MBA - Babson College -
concentration in Finance. BS in Business Admin w/
concentration in Finance from University of Maine @ Orono.

DAVID E. BROWN
8 HORSESHOE DRIVE
ACTON, MA 01720

OFFICE: (617) 573-2468

HOME: (508) 263-0909

WORK

EXPERIENCE:
1/90-Present

RECOLL MANAGEMENT CORP/FLEET FINANCIAL GROUP
Vice President, Controlled Loan Division

BOSTON, MA

Devise, negotiate and implement strategies to maximize recovery of distressed commercial real estate loans.
Administrate portfolio to insure compliance with all legal, regulatory and policy requirements.
Manage all legal aspects including testifying in State, Federal and Bankruptcy courts concerning both civil and criminal cases.
Supervise two Loan Recovery Officers in all aspects of portfolio maintenance, including attendance of borrower meetings and committee presentations, and compliance with all policy requirements.
Manage a portfolio of \$150MM (RECOLL's largest RE portfolio) with single lending relationships from \$4M to \$51MM and collateral ranging from a single residential lot to a 1,300,000 sf regional mall.
Responsible for three (3) of the company's top 25 accounts.
Resolved portfolio at a rate 2-3 times above the RECOLL average.
Recognized as "All-Star Performer" for 10 of the last 16 months (5 officers selected from approximately 100 per month).

12/87-12/89

NEW ENGLAND FINANCIAL RESOURCES, INC
Loan Officer, Commercial Real Estate Division

BOSTON, MA

Maintained an \$85MM real estate portfolio involving construction and permanent loans ranging from \$1MM to \$45MM.
Oversaw daily management of three properties totaling \$30MM including managing the construction and marketing of a 203 unit/35,000 sf condominium/office building.
Worked-out problem loans in excess of \$60MM.
Reviewed leases and analyzed financial strength of prospective office and retail tenants.
Prepared credit analyses at origination and annually for all borrowers, guarantors and general contractors.
Organized loan syndications through a network of correspondent banks.
Prepared detailed cash flow analyses on all properties.
Responsible for the selection and implementation of a company-wide computer network.

5/87-12/87

FIDELITY INVESTMENTS
Financial Analyst/Accountant, Fidelity Systems Group

BOSTON, MA

Performed budgetary compilation and variance analysis on equipment purchases.

**EDUCATIONAL
BACKGROUND:**

BABSON COLLEGE,
Masters in Business Administration, May 1987

WELLESLEY, MA

Concentration: Finance

Internship with Hunneman Real Estate: Researched, devised and recommended the implementation of a company-wide retirement program.

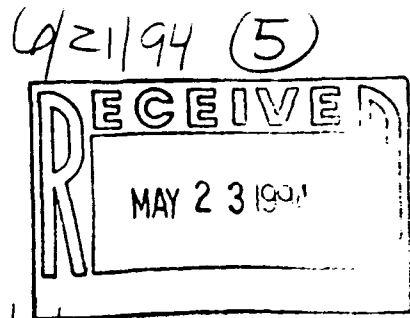
UNIVERSITY OF MAINE

ORONO, ME

Bachelor of Science in Business Administration, May 1984

President of Undergraduate Business Association

Chairman of Finance Committee, College of Business Admin.



TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE : 1 April 1994 *Resubmitted 5/23/94*
TO : Board of Selectmen
FROM : Volunteer Coordinating Committee *W. H. H. H. H.*
SUBJECT : Recommendations for Appointments

At its 28 March 1994 meeting, the VCC voted to recommend the following candidates for appointments:

David E. BROWN as an ~~Alternate~~ *Full* Member to the Board of Assessors for a three-year term expiring 30 June 1997. His education and work experience should contribute to Board and he is anxious to become involved in community activities.

Thomas C. BALLANTYNE to full member on the Prison Advisory Committee. Term to expire 30 June 1997. He has been involved in some of the fellowship activities at the institution.

original

picked up Mar. 4, 1994

VCC

TOWN OF ACTON VOLUNTEER APPLICATION

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall.

(Please print or type)

Date: 3-1-94

Mr / Mrs BALLANTYNE THOMAS C
Ms / Dr Last Name First Name Middle Initial

304 POPE RD (508) 369-7599 SAME
Street Address Home Phone Business Phone

AILING → P.O. BOX 212 CONCORD 01742

Please refer to the other side of this sheet and indicate below, in order of preference, the Board, Committee, or Commission which is of interest to you:

- 1) CONSERVATION
- 2) PRISON ADVISORY *
- 3) MINUTE MAN VOCATIONAL SCH.

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere)? If you have, please list name(s) and dates (approx):

NO

Do you have any time restrictions? PRESENTLY, NO - BUT POSSIBLY IN THE FUTURE

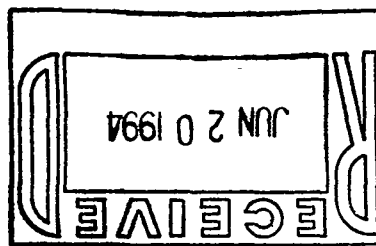
How long have you lived in Acton? 3 MONTHS in Massachusetts? 20 YR

Are you a US citizen? yes

Present occupation and employer (optional - attach resume) SELF!
AS PHOTOGRAPHER

Do you or your employer have any current or potential business relationship with the Town of Acton that could create a conflict of interest? NO

Education or special training BFA COLLEGE OF ARCHITECTURE + DESIGN
UNIV. OF MICHIGAN



Extra
#6

VOLUNTEER COORDINATING COMMITTEE MINUTES MAY 23, 1994

Present: Comstock, George, Lane, Eagles, Whitcomb

Absent: Husbands

Meeting was called to order at 7:35 pm at Town Hall. Minutes of May 9, 1994 were read and approved.

INTERVIEWS: RICHARD (DICK) KING for Minuteman Home Care. Joan Burrows has asked that she not be reappointed to MMHC for next year. King is already familiar with MMHC and has attended some meetings with Burrows. King is willing to serve and was in fact enthusiastic.

RICHARD (DICK) RIPPERE for Hanscom Adv. Comm., Devens Reuse Task Force or S. Acton Revital. Comm. The first two choices stem from a military background. Ripperer has recently retired from the U.S. Air Force. He lives in S. Acton.

Old Business: Comstock gave us updated committee lists as far as we have been aware. If any of us on VCC are sure of info that is different please let her know.

Resignation: Received a copy of a letter of resignation from Robert Darlington from the Conservation Commission.

New Business: VCC will phone the chair of the Devens Task F. to check if they wish new members. (Comstock)
Lane will advertise in Beacon for Comm. On Disabil. and Planning B. Assoc.

VCC voted unanimously to recommend DICK KING for Minuteman Home Care. 1 yr. appointments so from 7-1-94 to 6-30-1995.

VCC voted unanimously to recommend to move two Planning B. Assoc. members to full members as of 7-1-94.

JOSHUA CHERNIN... Planning Board (full) to 6/30/1999

RICHARD CROSWELL. Planning Board (full) to 6/30/1999

Meeting was adjourned at 9:20 pm. Next meeting 6-13-94.

Respectfully submitted.
Nancy A. Whitcomb

cc: B. O. Selectmen & Town Clerk

6/21/94 (6)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager
FROM: Roland Bartl, AICP, Town Planner *R.B.*
SUBJECT: NEW PLANNING BOARD MEMBERS AND REAPPOINTMENTS
NEEDED BY JULY 1, 1994.

NEW APPOINTMENTS NEEDED:

The terms of two Planning Board members, Douglas Carnahan and Mary Giorgio, will expire on June 30, 1994. They do not wish to be reappointed. Mary Giorgio said that she has handed in her resignation to you. Douglas Carnahan's resignation letter is attached.

The Planning Board has a full business agenda going into the summer and it is essential that it will be fully staffed. Therefore, I recommend that the Board of Selectmen appoint the two associate members, Joshua Chernin and Richard Crosswell, to a full membership starting July 1.

I have brought this to the attention of the VCC. VCC may already have made a recommendation.

Please schedule to make the appointments on the June 21 Board of Selectmen meeting. Otherwise we may have quorum problems after July 1. The first Planning Board hearing is on July 11.

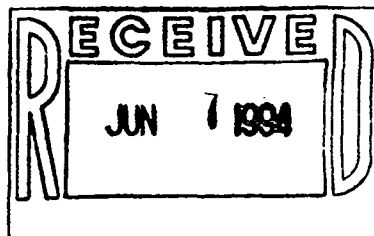
Thank you for your attention.

REAPPOINTMENT

The term of one other Planning Board member, James Lee, will also expire on June 30, 1994. He is ready to serve another term.

Please schedule his reappointment on the June 21 meeting as well.

ridc.94*41



June 6, 1994

Board of Selectmen
Town of Acton

Dear Board Members:

My term on the Planning Board expires on June 30, 1994. After 5 years of service on the Planning Board I wish to resign effective on the expiration date of my term. It has been an honor and a pleasure to serve my Town in this capacity.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Carnahan". The signature is written in dark ink and is positioned below the word "Sincerely,".

Douglas Carnahan
16 Orchard Drive
Acton, MA 01720

RECEIVED & FILED

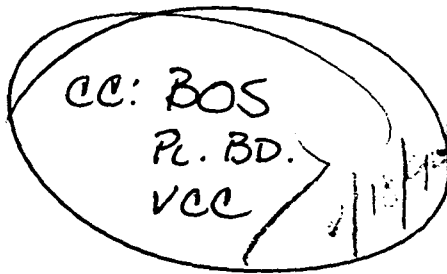
DATE June 6, 1994 5:00 P.M.

Mary E. Powell
for TOWN CLERK, ACTON

June 6, 1994

13 Joseph Reed
Lane

Acton



Town Clerk
Volunteer Coordinating Committee
Town of Acton

Dear Sir/Madam:

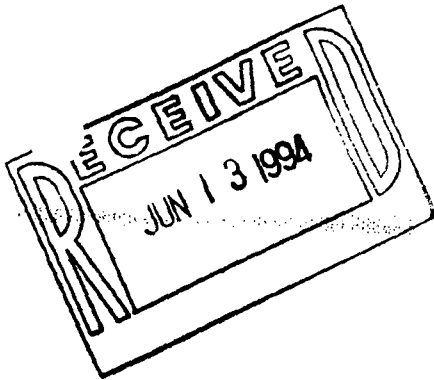
Thank you for the opportunity to serve the Town as a Planning Board member for the last seven years. There are so many selfless volunteers in this Town and I have been honored to serve with them in some small way.

However, I will not seek to be reappointed to the Planning Board at the

expiration of my term.

But, again, thank you for the opportunity.

Very truly yours
Mary E. Georgio



6/21/94 (7)

SELECTMEN'S MEETING

MAY 3, 1994

The Board of Selectmen held its regular meeting on Tuesday, May 3, 1994 at 8:00 P.M. Present were Norman Lake, F. Dore' Hunter, William Mullin, Nancy Tavernier, Wayne Friedrichs, Town Manager Johnson and Assistant Town Manager John Murray.

{Representatives from cable were present, however, there was no audio for first hour, prompting many phone calls of complaint}

CITIZENS' CONCERNS

Evelyn Olschewski, 77 Nagog Hill Road, introduced to the Board, David Pichadze, the new conductor of the Acton Chamber Orchestra. Mr. Pichadze introduced himself to the Board with a brief summary of his background. He also stated that his goal is to have more concerts in Acton.

Ms. Olschewski also stated to the public watching the meeting that they are always seeking volunteers to help with the concerts. Anyone interested may call Evelyn at 263-3673 or David at 264-4819..

CHAIRMAN'S MINUTE

Chairman Lake asked all Board members for their input on scheduling meetings throughout the summer. It was decided that the Board will meet May 17, June 7 & 21, July 12 & 26, and August 16 & 30.

Chairman Lake discussed whether or not the Board should take a position on the school's override vote. Mr. Johnson stated that the school was asked to attend tonight's meeting but declined due to the honor society's presentation that was previously scheduled for the same night. The Board members briefly discussed their feeling regarding the school's override.

DORE' HUNTER moved to take no position regarding the override.
NANCY TAVERNIER - Second. 4-1 (Bill no).

Bill stated that he personally supported the override. He presented the Board with a copy of a letter to the editor that he was submitting to the Beacon and Acton Citizen.

Chairman Lake asked each Selectmen to pick their assignments for the year regarding which committees they would like to participate in.

CONSENT AGENDA

DORE' HUNTER - Moved to accept the consent agenda as printed.
NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

YOUTH SOCCER REQUEST - Acton-Boxborough Youth Soccer seeks permission to donate and install a well and an inground sprinkler system on the soccer field located at Concord Road. The well used by the sprinkler system will be an artesian well and will not impact the Town well water in any way.

BILL MULLIN - Move to approve installation of well and sprinkler system at the soccer field located on Concord Road. DORE' HUNTER - Second. UNANIMOUS VOTE.

FRIENDS ACTON LIBRARIES - The friends of the Acton Libraries seek permission to hold the annual used book sale on the grounds of the Acton Memorial Library and also would like permission to place a "sandwich board" sign advertising the event on Main Street.

NANCY TAVERNIER - Move to approve the request from the friends of the Acton Libraries to hold the annual used book sale on the grounds of the Acton Memorial Library and to display a "sandwich board" sign advertising the event on Main Street.
DORE' HUNTER - Second. UNANIMOUS VOTE.

BOY SCOUT EAGLE COURT - Nancy to represent the Board.

PUBLIC HEARINGS & APPOINTMENTS

SITE PLAN SPECIAL PERMIT - 3/11/94-44 5-7 POST OFFICE SQUARE

Roy Smith is proposing a one-story wood frame building at 5-7 Post Office Square for a 120 child day care facility. Parking will be located on one side of the building and the classrooms will lead out to a secure area. Nancy Tavernier questioned Mr. Smith regarding the proposed development. Ms. Tavernier stated that the applicant decrease the driveway on the southwesterly side from 24' to 20' to allow for more green space, that more landscaping be added, there be a two way entrance and clear marking of this would be necessary and lastly the detention basin located on site would have to be secure.

Mr. Smith stated he had no problems with addressing these issues. There was discussion regarding fencing the detention pond. Presently there is no outlet for the pond, however, if an outlet were installed then the depth of the pond would at no time be greater than 12". Ms. Tavernier stated that regardless of the depth she would still be concerned for

child safety and that fencing would be a better alternative. Mr. Smith is also seeking a waiver from the traffic study, staff has no problem with this as long as the traffic light is installed at the corner of Main Street and Post Office Square. Ms. Tavernier stated that the traffic light be installed prior to occupancy of day care facility. Mr. Smith stated that there have been some delays and that work on the traffic light should begin sometime around the week of July 11, 1994.

Selectmen will meet on this at their next meeting.

NANCY TAVERNIER - Move to take site plan 3/11/94-44 5-7 POST OFFICE SQUARE under advisement. DORE' HUNTER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS (CON'T)

MUNICIPAL FORUM DISCUSSION - Don Johnson discussed the status of municipal forum meetings. Nancy stated that meetings should be conducted quarterly with the Finance Committee, Selectmen, and School Committees with the possibility that the chairman of the committees meet more regularly and staff meetings as needed.

All the selectmen agreed to this type of meeting schedule.

Norm Lake stated he would speak with the chairman of the other committees to see how they felt regarding a meeting schedule.

WATER DISTRICT - VISION FOR FUTURE - The water district has notified us that the state is talking about controlling Acton's water usage. There was some discussion as to whether or not this would control Acton's growth. This will be presented to the Board again in the near future.

TOWN MANAGERS REPORT

DONATION OF LAND - The Town has received a request from Homer C. Feltus to donate a parcel of wetlands adjacent to Mt. Hope Cemetery. The Selectmen have been asked to accept this parcel of wetlands for general municipal purposes.

BILL MULLIN - Move to take land for general municipal purposes. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SPRAYING - The Board received a letter from the Conservation Commission stating that they voted to exclude spraying of conservation land. The Selectmen questioned whether the Conservation Commission had the right to exclude spraying of Town conservation land.

The Board adjourned at 10:05 P.M.

Clerk

Date

Sheryl Ball
Recording Secty.
sabW11-(19)

April 29, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

MAY 3, 1994

Note: Meeting will begin at 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:45 SITE PLAN SPECIAL PERMIT-3/11/94-344 5-7 POST OFFICE SQ.
Enclosed please find application and staff comment for Board review and action.

III. SELECTMEN'S BUSINESS

2. FRIENDS ACTON LIBRARIES - Enclosed please find a request from the Friends to hold the Annual Used Book Sale on the grounds of the Acton Memorial Library for Board review and action and also a request to display a "Sandwich Board" sign on Main Street.
3. YOUTH SOCCER REQUEST - Enclosed please find a request and backup along with staff comment regarding the donation of a sprinkler system for the Concord Road field for Board review and action.
4. BOY SCOUT EAGLE COURT - Enclosed please find an invitation to a court of Honor for Jason Sharpe on June 2nd. for Board assignment.
5. DISCUSSION of MUNICIPAL FORUM

IV. CONSENT AGENDA

6. ACCEPT MINUTES - Enclosed please find minutes for the March 15, April 4, April 5, April 6, 1994 meetings for Board acceptance.

7. FOOD DONATION - Enclosed please find a request from the Acton Food Pantry to hold a collection of non-perishable foods at the May 17th election, for Board action.
8. BETSY BALL FUND - Enclosed please find two requests for funds form the Betsy Ball Fund for Board Action.
9. TOWN FAIR - Enclosed please find a application for the Annual Town Fair from the Lions Club for Board action.

V. TOWN MANAGER'S REPORT

10. DONATION OF LAND - Enclosed please find a request for Town acceptance of a parcel of land and staff comment. I will update the Board on Tuesday evening.

VI. EXECUTIVE SESSION

MEETINGS

11. Enclosed please find an invitation from Carol Stone to attend the planting of a New Tree at the Liberty Tree House on May 3, 1994 at 10:00 A.M. Details are included in the invitational letter.

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

May 17

Starts at 8:00 - Boston Edison
ScupperJack's
ACHC
Acton Convenience

May 31 - Liquor Outlet
Golden Bull

June 14 - Crossroads
Site Plan - Savory Lane- 251 Arlington St.

June 28 -

6/21/94
⑦

**SELECTMEN'S MEETING
MAY 17, 1994**

The Board of Selectmen held its regular meeting on Tuesday, May 17, 1994 at 8:00 P.M. Present were F. Dore' Hunter, William Mullin, Nancy Tavernier, Norman Lake, Wayne Friedrichs and Town Manager Johnson.
{Representatives from cable were present}

CITIZENS' CONCERNS

NONE EXPRESSED

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISON
STRAWBERRY HILL ROAD**

WILLIAM MULLIN - MOVED to approve - Dore' Hunter - Second.
UNANIMOUS VOTE.

**BOSTON EDISON
WOODCHESTER DRIVE**

WILLIAM MULLIN - MOVED to approve - Dore' Hunter - Second.
UNANIMOUS VOTE.

**BOSTON EDISON
HARRIS STREET**

DORE' HUNTER - Moved to approve - WILLIAM MULLIN - Second.
UNANIMOUS VOTE.

**SCUPPERJACK'S
LIQUOR VIOLATION HEARING**

Jack Mendosa, owner and Manager of the ScupperJack's spoke to the Board about the incident and explained the background of the sale to the minor. He apologized for the infraction and outlined the steps he is taking to insure that it won't happen again. The Board asked that Mr. Mendosa submit his explanation of what happened and his remedial proposal in writing to them for his Liquor License file.

DORE' HUNTER - Moved to instruct the Town Manager to issue a letter to ScupperJack's expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

ACTON COMMUNITY HOUSING CORPORATION

Nancy Tavernier outlined the need to determine the role of the ACHC as they relate to financial issues. ACHC is in the process of finding out how they can become more effective and to carry out their charge of providing affordable housing in Acton.

Peter Berry spoke about the current corporate structure and problems associated with the Adams Street proposal, their future efforts and their accountability. It was decided to begin preliminary discussions to change the structure of the Corporation to make them fit better into Acton's town government. They suggested we fashion them much like Lexington has done under their LexHab program. Betty McManus said they will be meeting with Lexington to find out how it is working for them, but felt we should pursue the Home Rule Petition which would give them greater legitimacy. They would then be appointed by the Board of Selectmen and projects would be submitted to the Board of Selectmen for approval.

Conceptually, Dore' felt it was a good idea. Bill felt the Board should pursue a Home Rule Petition. Nancy wanted ACHC to continue while this was being pursued. They currently are reviewing Acorn Park and Newview and hopes the Planning Board will take their direction and ask that the Board of Selectmen accept monies derived from those negotiations. Bill commended them for their efforts and urged them to keep up the fight.

NANCY TAVERNIER - Moved to work with ACHC and Town Counsel to develop a Home Rule Petition as it exists in Lexington as LexHab to be ready for the next Town Meeting. WILLIAM MULLIN - UNANIMOUS VOTE.

ACTON CONVENIENCE STORE LIQUOR HEARING

Sam Hantzis, Owner and Manager of the store apologized to the Board and further stated that all of his employees are Tips trained but would be retraining them in June. He has installed video cameras and reviews the tapes to ensure that proper procedure is being followed. He and his wife operate the business and were very upset when they heard of the violation. They have instituted formal staff meetings to discuss and remind the employees of the importance of checking I.D's.

Dore' reiterated the problem of teenage drinking and cautioned that violations were taken very seriously in Acton. He also asked that parents become involved with this problem. He suggested language for the motion that would require the employee be terminated if he/she sold to underage customers as well as lifting or suspension of the license. Bill felt that the motions should not have reference to termination that he was sure that

the Manager would be letting the employee go if his license was revoked for cause. Dore' felt that it would be a control device to control the source of the violation, but withdrew the wording pertaining to termination.

The Board asked that Mr. Hantzis to submit his explanation of what happened and his remedial proposal in writing to them for his Liquor License file.

DORE' HUNTER - Moved to instruct the Town Manager to issue a letter Acton Convenience Store expressing the Board's displeasure with what happened and warning that if it happened again, there would be a revocation or suspension of the license. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

CONSENT CALENDAR

NANCY TAVERNIER - Moved to accept the Consent Calendar as printed with #15 and #16 held for discussion. -WILLIAM MULLIN - Second. UNANIMOUS VOTE.

#15 Bill questioned the gift of the fountain for the Goward Field Tot Lot. He wanted to be sure that no ethical situations could/would occur with regard to gifts. Don assured him that we are gifted many items such as the wall in front of the library, the transfer station shed, police items and no special service or advantages are rendered with regard to acceptance.

Item 16 - Dore' thought that a bylaw should be looked at to regulate this type of activity or other activities on Town controlled property in the future. The Board after discussing decided that at this time it would not be necessary. The Board asked the Town Manager to send the applicant a letter outlining the rules associated with the permission.

SELECTMEN'S BUSINESS

OVERRIDE DISCUSSION - Bill articulated his disappointment with the failure of the override. He thanked those who had given the question serious thought for their effort. He also commented on recent letters to the editor that made fun of parents wanting a good education for their children, he also commented on the signs that were posted around town on public shade trees and Edison poles, and in particular the spelling/grammar errors and misinformation contained on them.

Dore' felt that this override was a two step process. Presentation had been made to Town Meeting, and approved, then the question was put on the Ballot for approval. He had assumed that a public education process would have been prepared to update those that had not attended Town Meeting. He felt that the case must be made to citizens at Town Meeting and by public.

education to help all voters to understand the issues to show them why they should vote to raise their taxes. Nancy agreed, she too had expected a townwide mailing. She felt that it was not an anti-education vote. She feels it is a local economic concern, she felt people just can't afford to pay the extra money. She was urged people to write the legislators to reallocate money for education.

Issues of Growth Project - Nancy discussed the recent meeting and said that growth was a main concern of Boards. They are looking for endorsement by the four major boards in hopes to bring several hundred people together and hold a town-wide conference.

Bill asked how this related to the Master Plan. Nancy said it was more a subjective exercise and not just zoning, it is not intended to be a land use discussion. Dore' felt it would enhance the non-zoning sections of the Master Plan but it must be viewed as an extension to the current Master Plan.

BILL MULLIN - Moved to as a Board given the Acton issues of Growth results be shared and treated as a potential update and extension to the in place Master Plan.

WATER COMMISSIONER'S - DORE' HUNTER - Moved to instruct the Town Manager to set-up a Meeting with the Commissioners to meet independent of this Board on a date except June 7th, at the Water District offices. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

Early Retirement Incentive Issue - The issue is still outstanding and Isa has indicated that Mac Reid is doing analysis. They want their accounting people to look at it when it is complete. Don will update the Board as issues arise and become clarified. Isa as asked for a Special Meeting. Nancy asked if the School Committee had signed an agreement absorbing total liability either directly or indirectly with regard to this issue. The Board noted that they would be inclined to support if signature was in place. Bill urged the school to submit information to help them in making their decision.

TOWN MANAGER'S CONCERNS

Site Plan Amendment - Massachusetts Ave. Finast Plaza - Don spoke to the proposed site plan amendment. He felt it could be treated as a minor site plan amendment and urged the Board's approval. The improvements proposed would make the site much safer and more attractive and has been reviewed with the Building Commissioner..

DORE' HUNTER - Moved to approve as presented, further to authorize the Chair to sign on behalf of the board when changes were incorporated. BILL MULLIN - Second. UNANIMOUS VOTE.

EXECUTIVE SESSION

The Board voted to go into Executive Session for the purpose of discussing Collective Bargaining issues.

Roll Call was taken all ayes.

The Board adjourned at 10:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(514)

EXECUTIVE SESSION
MAY 17, 1994

COLLECTIVE BARGAINING

Don reported on recent negotiations with Fire. Don noted that the school has given 3% with a 5% insurance give back. Don wants to know before e spends money on mediation what the Board wanted him to do.

Dore' felt inclined to let it play out. If they go to mediation so be it.

The Board adjourned at 10:30 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(514)

MAY 13, 1994

TO: Board of Selectmen
FROM: NORMAN D. LAKE, Chairman
SUBJECT: SELECTMEN'S REPORT

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AGENDA

ROOM 204

MAY 17, 1994

Note: Meeting will begin at 8:00 P.M.

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 8:01 BOSTON EDISON - STRAWBERRY HILL ROAD - Enclosed please find notice and staff comment regarding this Petition for Board Action.
2. 8:02 BOSTON EDISON - WOODCHESTER DRIVE - Enclosed please find notice and staff comment regarding this Petition for Board Action.
3. 8:03 BOSTON EDISON - HARRIS STREET - Enclosed please find notice and staff comment regarding this Petition for Board Action.
4. 8:15 SUPPERJACK'S - Liquor license violation review
5. 8:30 ACTON COMMUNITY HOUSING CORPORATION - Enclosed please find materials for Board review and discussion.
6. 9:00 ACTON CONVENIENCE STORE - Liquor license violation review. Please see report information from Item 4.

III. SELECTMEN'S BUSINESS

7. Issues of Growth Project - Enclosed please find the summary and proposal for Board discussion.
8. Water Commissioners Communication from the Water District - Enclosed please find correspondence.

IV. CONSENT AGENDA

9. ACCEPT MINUTES - Enclosed please find minutes for the March 29 and April 19, 1994 for Board acceptance.

10. AMENDMENT TO SITE PLAN SPECIAL PERMIT #6/13/94-131 - Enclosed please find a request for amendment and staff comment regarding changes to David's Bistro, 452 Great Road for Board action.
11. SITE PLAN SPECIAL PERMIT #3/11/94-344 - ROY SMITH, Day Care Facility 5-7 Post Office Sq. - Enclosed please find the draft decision for Board action.
12. ACCEPT GIFT - Enclosed please find a request to accept the two gifts of money to be used by the West Acton Citizens Library for Board action.
13. ACCEPT GIFT - Enclosed please find a request from Conservation Administrator for acceptance of trees to be planted at the Arboretum for Board action.
14. ACCEPT GIFT - Enclosed please find a request from Municipal Properties Director for acceptance of anonymously donated trees to be planted on Town property for Board action.
15. ACCEPT GIFT - Enclosed please find a request from Municipal Properties Director for acceptance of a water fountain for Goward Field for Board action.
16. COMMUTER LOT - Enclosed please find a request and staff comment regarding the proposed coffee service at the Commuter Lot for Board action.
17. Snow & Ice Deficit - Enclosed is our notification from DOR of additional stabilization Aid to be applied toward our FY1994 Snow and Ice deficit, per Town meeting plan.

V. TOWN MANAGER'S REPORT

18. Site Plan Amendment Mass Ave. - Enclosed please find staff recommendations for Board consideration.

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

June 7 - (Tentative Appointments)

Crossroads, Liquor Policy review

Site Plan - Savory Lane- 251 Arlington St.

June 21 -

837 acs

6/21/94
⑧

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 9, 1994

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GAR*
SUBJECT: Site Plan Special Permit #7/8/91-332
Village Saab 30 Main Street (Hunter)

Mr. Kadison is requesting, on behalf of Village Saab, an amendment to their Site Plan Special Permit. The rules and regulations for Site Plan Special Permits, section 5.12 provides for amending the permit. That section reads as follows:

A previously granted PERMIT may be amended by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing. The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Site Plan Coordinator is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.

The original plan was never completed. Because it was not completed, I have expressed concern to the Board regarding zoning violations. Because of the turn-down in the economy, Village Saab no longer wants to expand. This plan, that has been presented, represents a scaled-down version of the original plan. The Applicant will no longer be adding an addition. Where the addition was to be placed is now landscaped and includes some additional parking spaces. I have taken the liberty of highlighting in red where the addition was proposed.

There will be a net decrease in impervious cover, therefore the drainage will not be adversely affected. I would propose that this request be considered as a minor amendment. If the Board concurs, I will prepare a draft amendment for your consideration.

(731)

LAW OFFICES OF
CHARLES G. KADISON, JR.
179 Great Road
Acton, Massachusetts 01720

Charles G. Kadison, Jr.
Stephen L. Pearson

Acton - (508) 264-4886
Lexington - (617) 861-6662
Telecopier - (508) 264-0320

May 9, 1994

Acton Board of Selectman
Town Hall
Acton, MA 01720

Re: Site Plan Special Permit #7/8/91-332
Village Saab
30 Main Street, Acton, MA
Our file No. 1943

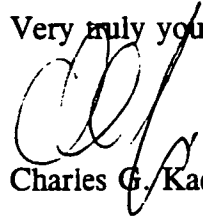
Dear Board Members,

On behalf of my client, I hereby request that the above referenced site plan special permit be modified as shown on the enclosed plans.

Enclosed are twelve (12) copies of the following:

1. A plan entitled, "Site Plan of Land in Acton MA, Prepared For: Village Auto Sales, Inc. 30 Main Street Acton, MA. 01720" dated April 2, 1994 by Frank J. Gallagher, P.E.
2. A letter dated April 27, 1994 from Frank J. Gallagher, P.E. to Gary A. Rhodes, Building Commissioner.

Very truly yours,



Charles G. Kadison, Jr.

CGK:clg
enc.
cc: Village Saab

Frank J. Gallagher, P.E.

CIVIL ENGINEERING • STRUCTURAL ENGINEERING • LAND SURVEYING

4 Windsor Drive
Foxboro, MA 02035
508-543-9894

April 27, 1994

Gary A. Rhodes
Building Commissioner
Town of Acton
472 Main Street
Acton, MA 01720

RE: Village Saab
30 Main Street
Acton, MA.

Dear Mr. Rhodes:

As you requested at our meeting on April 22, 1994, I am writing you this letter to summarize the impact that the modified Site Plan for Village Saab will have on the drainage system.

The first issue to be addressed is the "Water Balance Calculations". The original calculations by Acton Survey & Engineering called for a 2800 cubic foot infiltration trench that was to take 1678 cubic feet of stormwater runoff volume during a one year storm event. This same calculation determined that a minimum of 1058 cubic feet must be recharged in order to have no decrease from the existing condition.

Under the modified site plan about 7691 SF of pavement and roof area are directed into the infiltration trench. This converts into a one year storm volume of 1442 cubic feet, still greater than the 1058 cubic feet required in Acton Survey & Engineering's water balance calculations.

The modified site plan increase the open space by 3.76% from 40.51% originally to 44.27%. This increase in open space reduces the overall runoff curve number from that which was originally calculated by Acton Survey & Engineering and therefor decreases the proposed condition peak rate of runoff. In short, if the design by Acton Survey & Engineering did not increase the rate of runoff, then the modified design will not increase the rate of runoff.

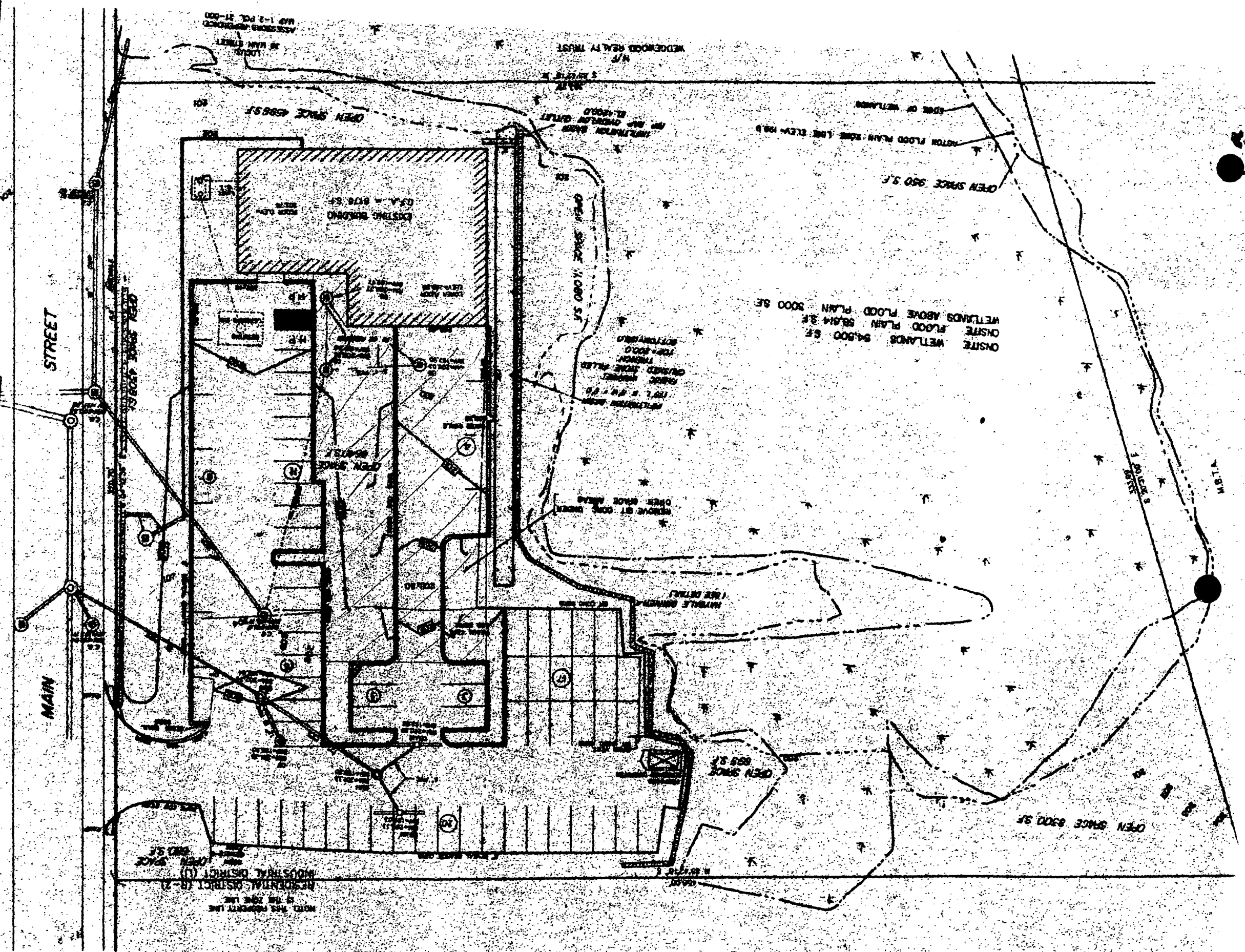
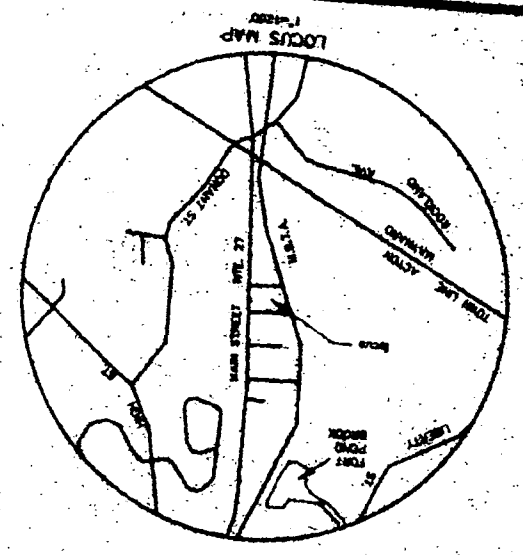
If you have any questions please contact me.

Sincerely,

Frank J. Gallagher

SITE PLAN OF LAND IN ACTON MA.

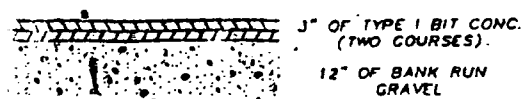
PREPARED FOR: VILLAGE AUTO SALES, INC.
 10 STATE STREET
 ACTON, MASS. 01701



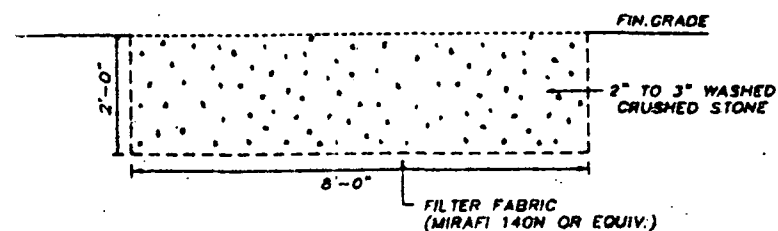
REFERENCE: PLAN, SITE PLAN OF LAND IN ACTON, MASS.
 AT ACTION SURVEY & ENGINEERING, INC.
 100 MAIN STREET, ACTON, MASS. 01701
 DATED MAY 23, 1988, APPROVED: NORMAN WENSTRA, P.E.
 SURVEY OF AS-BUILT CONDITIONS BY FRANK J. GALLAGHER, P.E. ON MARCH 24, 1989

DATE	BY

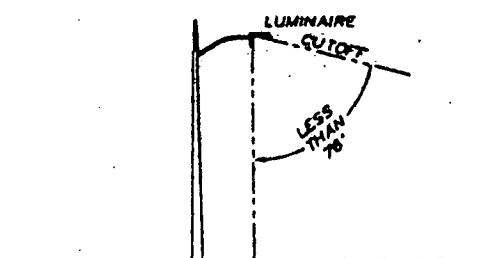
PAVEMENT DETAIL



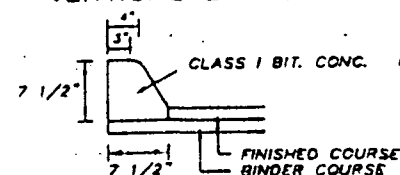
INFILTRATION TRENCH DETAIL



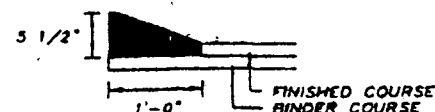
LIGHTING DETAIL (SEE ZONING BYLAW SECT. 10.4.3.2)



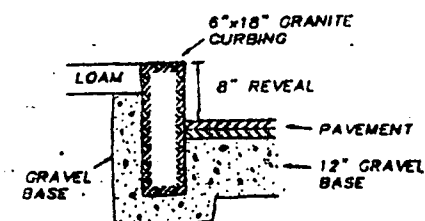
VERTICAL BIT. CURB



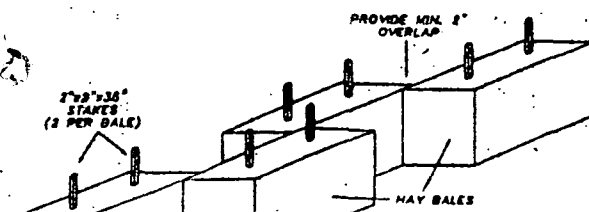
CAPE COD BERM



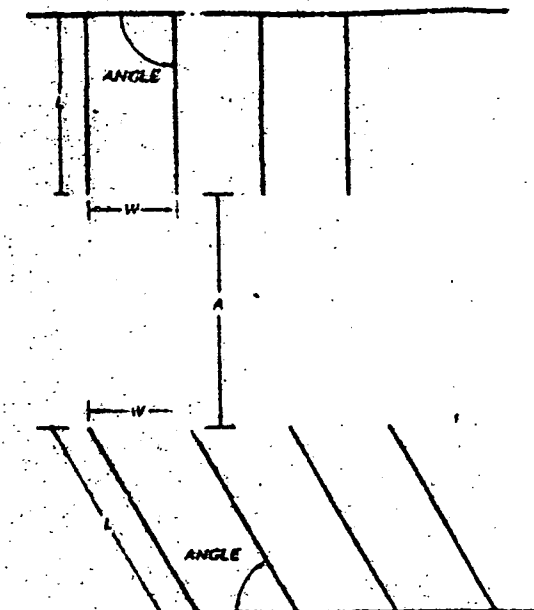
VERTICAL GRANITE CURB



STAKED HAYBALE DETAIL



PARKING DETAILS



DIMENSIONAL REQUIREMENTS:

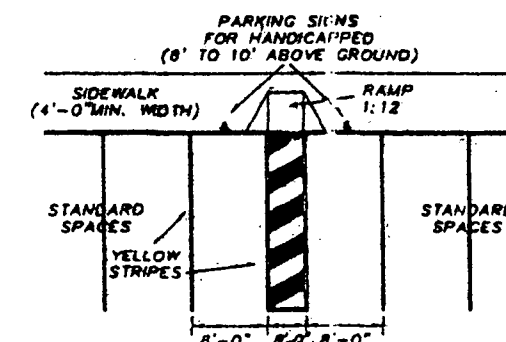
STANDARD CAR

ANGLE OF PARKING (ANGLE)	WIDTH OF STALL (W)	LENGTH OF STALL (L)	WIDTH OF AISLE (A)
90° TWO-WAY	9.0'	18.5' OR 20'	24'
60° ONE-WAY	10.4'	22.0'	18'
45° ONE-WAY	12.7'	25.0'	14'
PARALLEL (ONE-WAY)	6.0'	22.0'	14'
PARALLEL (TWO-WAY)	8.0'	22.0'	18'

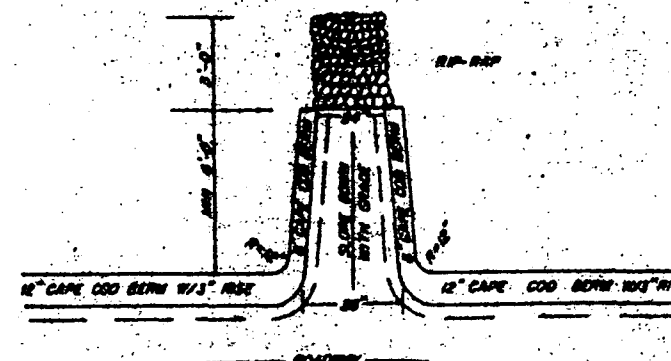
SMALL CAR

ANGLE OF PARKING (ANGLE)	WIDTH OF STALL (W)	LENGTH OF STALL (L)	WIDTH OF AISLE (A)
90° TWO-WAY	8.5'	15.0'	24'
60° ONE-WAY	9.8'	18.8'	18'
45° ONE-WAY	12.0'	21.5'	14'
PARALLEL (ONE-WAY)	8.0'	18.0'	14'
PARALLEL (TWO-WAY)	8.0'	18.0'	18'

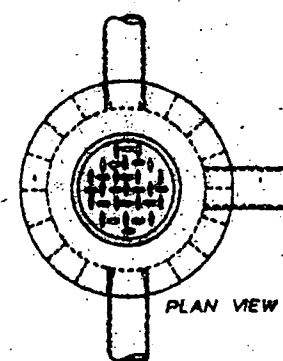
HANDICAPPED PARKING DETAIL



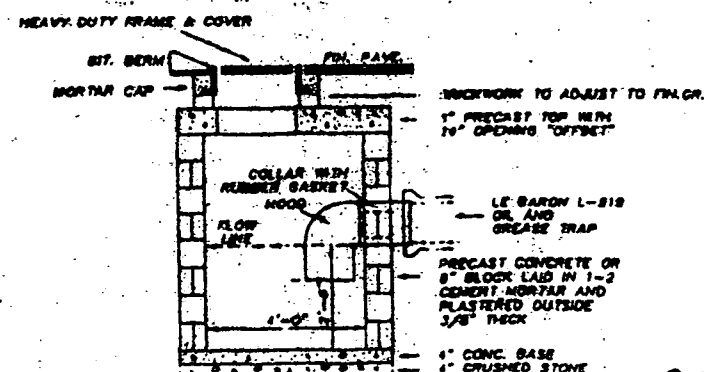
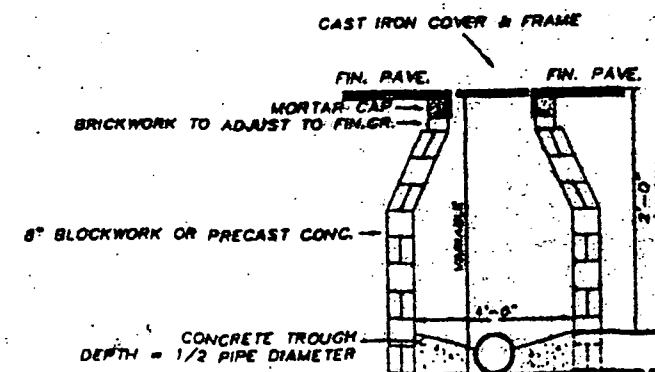
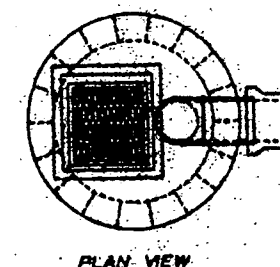
PAVED WATERWAY



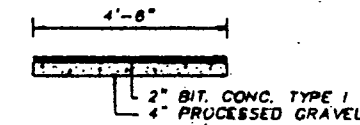
TYPICAL MANHOLE



HOODED OUTLET CATCH BASIN DETAIL



SIDEWALK CROSS-SECTION



CONSTRUCTION DETAIL SHEET

PREPARED FOR: VILLAGE AUTO SALES
30 MAIN STREET
ACTON, MA. 01720

FRANK J. GALLAGHER, P.E.
CIVIL ENGINEERS / LAND SURVEYORS

PLAN NO.

STAMSKI AND McNARY, INC.

80 Harris Street
Acton, Massachusetts 01720
(508) 263-8585
FAX (508) 263-9883

BRUCE M. STAMSKI, P.E.

WILLIAM F. McNARY, P.L.S.

May 27, 1994

Town of Acton
Board of Selectmen
Town Hall
Acton, MA 01720

RE: Common Driveway Application Fee
Perkins Lane Subdivision

Dear Board Members:

On behalf of our client, Distinctive Acton Homes, Inc., we request the common driveway filing fee be reduced from \$1,300.00 to \$250.00. According to Mr. Roland Bartl, Town Planner, the \$250.00 figure will be sufficient for the administrative tasks of issuing the permit.

This project has been reviewed during the subdivision approval process as well as hearings with the Zoning Board of Appeals, Conservation Commission and Board of Health. As such the Common Driveway Permit application will not require extensive staff time. Filing fees to the Town for this 3 lot subdivision already have exceeded \$6000.00. Thank you for your consideration for this matter.

On behalf of
Distinctive Acton Homes, Inc.



By: Stamski and McNary, Inc.
Bruce M. Stamski, P.E.

cc: Distinctive Acton Homes, Inc.

4/3
ROLAND BARTL - PLS. MAKE RECOMMENDATION FOR BOS.

CHRIS - PLS. SCHED. FOR ^{CONSENT} ~~SEL BUSINESS~~ @ 6/21.

INTERDEPARTMENTAL COMMUNICATION

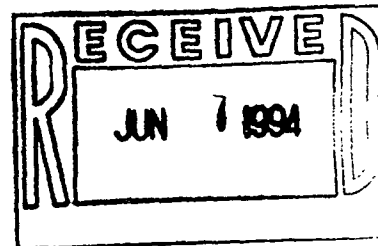
TO: Don P. Johnson, Town Manager

DATE: June 6, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*SUBJECT: Requested Fee Waiver - Distinctive Acton Homes, Inc.
(Common Drive - Perkins Lane)

This is a reasonable request. The developer already went through the subdivision application process where all technical reviews by Town staff have been completed. Since the subdivision and the common drive are essentially the same object the technical reviews also covered all issues related to the common drive. The need for a common drive special permit is a legal technicality that is unique to the project. No further technical review will required. The requested \$250.00 fee is sufficient to cover expenses related to the administrative cost of the common drive special permit. I recommend that the request be granted.

ridc.94*40



6/7
cc: BOS -
I concur.
[Signature]

6/21/94
10

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: June 9, 1994

TO: Board of Selectmen
FROM: Garry A. Rhodes, Building Commissioner *GR*
SUBJECT: Site Plan Special Permit #11/5/93-341 (Mullin)
Gift Money Conditions 3.1, 3.2, 3.3

I am in receipt of three checks from Wendy's. These gift monies satisfy conditions 3.1, 3.2 and 3.3 of the decision. The three conditions read as follows;

3.1 The Petitioner shall provide a gift to the Town of \$1200 prior to any construction on site. This money shall be used to hire equipment and pay filing fees to Conservation to allow clean up of the drainage outfall at the Assabet River. The work shall be completed by the Town within two years or the money will be returned to the Petitioner.

3.2 The Petitioner shall provide a gift to the Town of \$15,000 prior to any construction on site. This money shall be used by the Town to help defray cost of the installation of a traffic light at the intersection of Powder Mill Road and High Street.

3.3 The Petitioner shall post a cash security with the Town prior to any construction on site, in a form acceptable to the Town Treasurer, in the sum of \$15,000. This is to insure that the approved plan is constructed. This money shall be returned to the Petitioner with any accrued interest due upon completion.

It is my recommendation that the Board accept these monies as compliance with the Decision. It is my further recommendation that these monies be dispersed at the discretion of the Town Manager.

cc. Highway
Engineering
Conservation

622287



WENDY'S INTERNATIONAL, INC.

P.O. BOX 256
4288 WEST DUBLIN GRANVILLE, RD.
DUBLIN, OHIO 43017

PAYABLE THROUGH
NORWEST BANK GREAT FALLS, N.A.
GREAT FALLS, MONTANA

93-17
929

CHECK

622287

EXACTLY

FIFTEEN THOUSAND AND NO/100 DOLLARS **

DATE	AMOUNT
06/06/94	\$ *****15,000.00

THE ORDER OF:

TOWN OF ACTON
472 MAIN STREET
ACTON

MA 01720

WENDY'S INTERNATIONAL, INC.

John F. Beaulieu
TREASURER

⑈622287⑈ ⑆092900176⑆ 06 123 3⑈

622288



WENDY'S INTERNATIONAL, INC.

P.O. BOX 256
4288 WEST DUBLIN GRANVILLE, RD.
DUBLIN, OHIO 43017

PAYABLE THROUGH
NORWEST BANK GREAT FALLS, N.A.
GREAT FALLS, MONTANA

93-17
929

CHECK NO.:

622288

EXACTLY

0 THOUSAND TWO HUNDRED AND NO/100 **
D ARS *****

DATE	AMOUNT
06/06/94	\$ *****1,200.00

THE ORDER OF:

TOWN OF ACTON
472 MAIN STREET
ACTON

MA 01720

WENDY'S INTERNATIONAL, INC.

John F. Beaulieu
TREASURER

RE: CATCH BASIN

⑈622288⑈ ⑆092900176⑆ 06 123 3⑈

622289



WENDY'S INTERNATIONAL, INC.

P.O. BOX 256
4288 WEST DUBLIN GRANVILLE, RD.
DUBLIN, OHIO 43017

PAYABLE THROUGH
NORWEST BANK GREAT FALLS, N.A.
GREAT FALLS, MONTANA

93-17
929

CHECK NO.:

622289

EXACTLY

FIFTEEN THOUSAND AND NO/100 DOLLARS **

DATE	AMOUNT
06/06/94	\$ *****15,000.00

THE ORDER OF:

TOWN OF ACTON
472 MAIN STREET
ACTON

MA 01720

WENDY'S INTERNATIONAL, INC.

John F. Beaulieu
TREASURER

RE: TRAFFIC LIGHT - SPECIAL PERMIT 93-314

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

6/21/94
(11)
DATE: 6/17/94

TO: Don P. Johnson, Town Manager
FROM: Roland Bartl, Town Planner *R.B.*
SUBJECT: Municipal Incentive Grant (MIG) Application
Kelley's Corner Plan

Attached is the draft version of the application for grant funds under EOCD's strategic planning program for your review and the review of the Board of Selectmen. Also attached is a letter of support for the Selectmen to sign.

The draft application does not include the budget or the attachments referred to in the text of the application; they will be prepared next week. In the meantime, we would like the Board of Selectmen to vote to support the grant application and to authorize you to endorse the application and approve any minor changes needed.

If you have any questions or require any additional information, please let me know.

kcp*6

Norman D. Lake, Chairman
Acton Board of Selectmen

June 21, 1994

Mary L. Padula, Cabinet Secretary
Executive Office of Communities and Development
100 Cambridge Street
Boston, MA 02202

RE: Application for Municipal Incentive Grant for Strategic Planning
Kelley's Corner Plan, Town of Acton.

Dear Secretary Padula:

We strongly support the Planning Board's effort to prepare a development plan for Kelley's Corner. The Board of Selectmen endorses their application for funding under the Municipal Incentive Grants Program. The citizens of Acton have given the Kelley's Corner Plan a top priority as evidenced by the appropriation of \$10,000 for this purpose at the 1994 Annual Town Meeting. The voters understood that the Town would seek additional funding through grants to obtain sufficient funding for the necessary professional assistance.

Kelley's Corner is one of Acton's prime commercial areas. Our 1991 Master Plan states, "Kelley's Corner is the most appropriate area in Acton to locate businesses and retail stores with regional attraction. This is due to the area's close proximity to Route 2 as well as the Town's desire to protect the character of Acton's more historic village centers and to control further commercial strip development. The need exists to develop a plan for Kelley's Corner in order to develop solutions to current traffic and sewer problems, while ensuring the area's vitality and attractiveness as a regional business center."

More recently, the following new issues in the Kelley's Corner area have surfaced. Our school complex, located adjacent to Kelley's Corner, has experienced difficulties with their septic system. Haartz, one of Acton's major employers and a manufacturer, is located near Kelley's Corner and has signalled the need for expansion beyond the limits currently allowed under zoning. Digital has vacated an office building just to the east of Kelley's Corner. The Concord Auto Auction, also east of Kelley's Corner, is moving to Framingham. Their move leaves 60 acres of paved and open area for potential development of new office and manufacturing space.

Acton is experiencing a boom in residential housing growth, but there is little activity at the commercial or industrial front. We feel that it is important to maintain a diversified tax base and we believe that the Kelley's Corner area is where we should foster the commercial growth needed to maintain balance. However, careful planning is essential to ensure that while we provide new jobs and businesses adequate solutions are found for the existing problems. In addition, we must be sure that surrounding residential neighborhoods remain well protected from commercial encroachments. We sincerely hope that you will find the Kelley's Corner plan worthy of funding under the Municipal Incentive Grants Program.

Sincerely,

Norman D. Lake, Chairman
Board of Selectmen

APPLICANT AGENCY OR LEAD COMMUNITY AND ADDRESS:

Check off and fill in all of the following which apply to your application.

/ / school district(s)

/ / other organizations listed.

Acton Planning Board, Acton Board of Selectmen, Kelley's Corner Planning Committee

/ / Strategic Planning - Special Projects

/ / Capacity Building - Municipal / / Capacity Building - Regional

	FY95	FY96	FY97	TOTAL
State Share Requested	\$ 30,000			
Local Match Proposed	\$ 10,000			
TOTAL PROJECT COST	\$ 40,000			

Develop a specific area plan for Kelley's Corner, an area of Acton identified as a concentrated growth center in Acton's Master Plan. Plan should provide details to improve economic vitality, access, circulation, wastewater management and mixture of uses.

Roland H. Bartl, AICP, Town Planner

608) 508-264-9636

Telephone (daytime contact)

Acton Planning Department, 472 Main Street, Acton, MA 01720

CHIEF EXECUTIVE OFFICER

(signature and title required for submission)

Don P. Johnson, Town Manager

APPLICATION QUESTION 1: COMMUNITY ACTION STATEMENT REQUIREMENT

Has the problem that you identify in this grant application been identified in your Community Action Statement (CAS) either as a departmental problem or as one of your prioritized needs? Yes.

- **It is identified as a departmental problem on page 25 and as a prioritized need on page 46, as follows:**

Page 25 - Municipal Needs in the area of Planning and Zoning:

(2.) Description of the need: Development of a specific area plan for Kelley's Corner. *Factors contributing to the need:* Kelley's Corner has been identified as a concentrated growth center in Acton's 1990/91 Master Plan and in our Zoning Bylaw. The area needs a further detailed planning effort to improve economic viability, access, circulation, wastewater management, and our commercial tax base. *Potential ways for meeting the need:* Establish a community planning effort with strong involvement of area businesses in development partnerships. Retain consultants/experts in areas of economic development, design and planning.

Please note that Need # 1 on page 25 (area plans for South Acton Village and West Acton Village) are currently being addressed by the Town and will be discussed below as they relate to the problem to be addressed by this grant.

Page 46 - Prioritized Needs:

Need I: There is a long term need for a Town-wide, overall economic development plan. The plan would require the hiring of consultants to compile the necessary data on employment, business and manufacturing in the Town. Currently the Town has no such data available. EOCD funding for this study is a possibility. In the short term, Kelley's Corner is the next existing area to be addressed in the planning effort. In this case, a request for grant funds both for the planning and implementation stages are possible.

- **The problem is also identified, in part, on the following pages of the CAS:**

Municipal Needs in the area of Public Works:

Page 21 (Health Department): *(2.) Description:* Kelley's Corner has been identified as an area that requires sewers. *Factors that contribute:* Slow percolation rates, high groundwater and small lot sizes. (Note, from page 33: Acton obtains 98% of its drinking water from groundwater sources.) *Potential ways for meeting the need:* Acton-Boxborough Regional Schools have been ordered to build a treatment plant. Ames/Finast is actively seeking a treatment plant alternative. The Board of Health is assessing the area to determine additional interest.

Page 18 (Engineering Department): *Description:* Sidewalk construction and repair. *Factors that contribute:* Need to encourage pedestrian travel, safety, and ADA standards. *Potential ways for meeting the need:* Locate funding sources; implement annual maintenance program.

Municipal Needs in the area of Community and Economic Development:

Page 32: (4.) *Description:* Develop a market study and economic development strategy for designated growth centers. *Factors that contribute:* Growth centers have been designated in the 1990/91 Master Plan. A market analysis and economic development strategy are key elements of the specific area plans for these growth centers. *Potential ways for meeting the need:* Hire expert consultants and establish growth center partnerships with business/industry.

Page 33: (4.) *Description:* Revitalize existing commercial centers of Acton. *Factors that contribute:* Age of businesses. *Potential ways for meeting the need:* Provide below market rate loans to local business, in order to provide a face lift and parking.

Regional Activities in which Acton is involved and needs that are emerging for the region:

Page 4: Acton is an active member of MAGIC (Minuteman Advisory Group on Interlocal Coordination), a subregion of the Metropolitan Area Planning Council (MAPC). MAGIC is comprised of Acton, Boxborough, Carlisle, Concord, Hudson, Littleton, Marlborough, Maynard, Sudbury and Stow. The subregion has identified a need to study the need and feasibility of satellite parking and shuttle service from communities in the region to commuter rail stations in Littleton, Acton, Concord and Lincoln. (Note: Kelley's Corner or nearby land on Route 2 are in a good location for such parking.)

Page 5: A Route 2 Corridor Advisory Committee (CAC) was created through a cooperative effort between MAPC, MAGIC and the Massachusetts Highway Department. The CAC was formed to address significant access and safety needs. (Note: The Route 2 Corridor Study includes the Kelley's Corner area.)

APPLICATION QUESTION 2: PROBLEM IDENTIFICATION AND PRIORITY SETTING PROCESS

- **Describe the problem to be addressed by this grant and explain why this project was selected to address the problem identified.**

The Problem:

Kelley's Corner was identified as a concentrated growth center in Acton's 1990/91 Master Plan. (*Attachment 1* is a locus map for Kelley's Corner within Acton.) In 1990, a separate "Kelley's Corner zoning district" was established in Acton's Zoning Bylaw in recognition of the importance of the continued vitality of the commercial activity in this area. The Master Plan recommended that future planning be undertaken to address problems in the area and to assist in the implementation of the Master Plan's Goals and Objectives.

Kelley's Corner is predominately retail with some offices, homes and apartment buildings. Most of the buildings are one story; some are aging. Traffic circulation is poorly designed and access to/from Route 2 is both confusing and dangerous. There are some sidewalks but the area is not friendly to pedestrians. In spite of its ideal location at the center of Acton and at the juncture of

major roads, and room for expansion of commercial uses, higher density development and redevelopment are constrained by the lack of sewers and other economic incentives. To the east, commercial buildings on nearby land along Route 2 have been or will be vacated. To the north, the schools complex, which is within walking distance, is under an order by the Department of Environmental Protection (DEP) to build a sewerage treatment plant. There is also a manufacturing company that would like to expand but it is constrained by zoning. *The area needs a detailed planning effort to improve its traffic access, vehicular and pedestrian circulation, wastewater management, and economic viability. The Planning Board and the Board of Selectmen believe that increased commercial growth in the area will help the Town's tax base. However, we need expert assistance in developing a workable plan to do this, and in the public participation and education process that will ensure its approval at Town Meeting.*

Problem Background/Identification of Kelley's Corner as the Proposed Project:

The problem to be addressed by the Municipal Incentives Grant was first identified in Acton's 1990/91 Master Plan, but has become more urgent and difficult to address due to the recent shift in the regional and local economies from commercial to residential growth. Acton changed significantly in the three decades prior to the Master Plan from a rural community of 7,000 residents to a suburban town of 18,000. In addition, due to the large amount of commercially zoned land and the town's location along Route 2, Acton evolved into a regional commercial center. From 1980 to 1987, the number of jobs in Acton grew by 81 percent from 5,385 to 9,721. Numerous public meetings were held in 1988 and 1989 to shape Acton's Master Plan, and among residents' primary concerns were the increase in traffic and the loss of open space. While they appreciated the positive aspects of growth, including (at that time) a growing employment base, increasing tax revenues and property values, two key issues were the growing commercial sprawl and strip development along Acton's roads and the lack of a "downtown." The pattern of development contributed to the problems of traffic congestion, the loss of open space and "rural character," and the need to drive everywhere with a separate trip for each errand.

Following a year of surveys and public meetings which guided the Master Plan's Goals and Objectives, the Master Plan committee, with the help of Planning staff and consultants, developed a regulatory plan that established a framework for future land use in Acton. Because Acton had historically been divided into compact, mixed-use villages surrounded by open space and lower density neighborhoods, the plan was specifically designed to refocus future development into five concentrated growth centers (the existing, mixed-use West Acton and South Acton Village districts, a Kelley's Corner district, and proposed new East Acton and North Acton Village districts). The Master Plan's Goals and Objectives and the regulatory plan, which was covered in 15 zoning articles, were adopted at Acton's Spring and Fall, 1990 Town Meetings. The completed Master Plan, which was voted by the Board of Selectmen and Planning Board in 1991, included additional recommended actions, a transportation plan and a capital improvements plan. Development of detailed village district plans were among the further recommended actions; one has been adopted (West Acton); one is underway (South Acton); one is proposed to be partially funded through this grant (Kelley's Corner) and the final two will be initiated when the others are completed as staffing and funding allows. (An Executive Summary of Acton's Master Plan is included as *Attachment 2*.)

Consistent with the Master Plan, Acton has applied to the Metropolitan Area Planning Council (MAPC) to designate its five growth centers as suburban "Concentrated Development Centers," or CDC's, in order to gain MAPC's support for any state funds that might become available for infrastructure improvements. Following Town Meeting this past April, MAPC began its review of our proposals. To better meet MAPC's criteria and our needs, the Planning Board and Board of Selectmen voted this May and June to expand the proposed Kelley's Corner CDC and the Kelley's Corner study area. As shown in *Attachment 3*, the dark area in the center is currently zoned as the "Kelley's Corner District." The outlined area along Route 2 to the east of Kelley's Corner is zoned for office park uses, however, nearly all of it has or will soon be vacated by its owners (Digital, the Concord Auto Auction and the Concordian Motel.) The area outlined along Route 2 to the north of Kelley's Corner includes the Acton-Boxborough Schools' complex, which is under an order by the DEP to build a sewerage treatment facility; and Haartz Corporation, which would like to expand but is limited by current zoning.

Finally, the downturn in the regional economy, which began shortly after the adoption of Acton's Master Plan, has severely impacted Acton's commercial sector. Digital vacated its office building at Piper Road and Route 2 over a year ago; the Concord Auto Auction covering most of the remaining land between Digital and Hosmer Street (see *Attachment 3*) recently announced its move to Framingham; and the Concordian Motel, at Route 2 and Hosmer Street, will be closing. Finast Supermarket, in Kelley's Corner itself, also closed this year, although Roche Brothers is expected to move into the space. At the same time that Acton's commercial tax base is eroding, we are experiencing considerable housing growth. The Boston Globe's Northwest Weekly section on June 12 cited Acton as one of two Northwest communities with more than a 20 percent increase in students in its local schools over the last four years. Acton has had a reputation for excellent schools, which has attracted new families. However, it costs more to educate new children than their houses bring in taxes. The Town and Schools have maximized efficiencies and cost savings while reducing staff. For example, Acton's Planning Department had 3.75 full time employees at the time of the Master Plan, and now it has 2.0.

Our goal is not only to revitalize the Kelley's Corner area, but also to permit more intense development in this central location to expand Acton's tax base. Acton needs expert consulting assistance to develop a plan and implementation strategies for the existing Kelley's Corner district and expanded study area that adequately addresses all of the problems described above. In addition, plan development will require extensive public involvement and education to ensure that the strategies recommended will be supported by businesses in the area, community organizations, and Acton's residents who vote on bylaw changes at Open Town Meeting.

- **Describe the priority setting process where you defined this problem and ranked it in relation to the other needs in your community/region. (State who was involved and how this process occurred. Provide a brief summary of meetings held and the relationship of proposed project to identified (CAS) need.)**

As described above, the problem was originally defined in Acton's Master Plan. In 1992, the Planning Board decided that it would begin the village district studies, however, due to staffing

and funding limitations, the board agreed that it could not do all five studies at once. They prioritized the studies, beginning with the two historic villages, West Acton and South Acton, because the issues and problems had been partially defined during the Master Plan public meetings and it was felt that the plans could be developed over the coming year without the help of outside consultants. The proposal to form two district study committees to help develop the plans was brought to the Board of Selectmen by the Planning Board and approved on September 9, 1991. The Selectmen agreed that a member of the Planning Board should chair each committee, with the remaining members comprised of district residents and business owners, as proposed by the Planning Board. This study committee model matched the one used for the Master Plan. The West Acton Plan has been completed, and was adopted in the form of zoning changes, at the 1994 Spring Town Meeting. (The plan is *Attachment 4*.) The South Acton plan is nearly complete.

The Kelley's Corner plan was identified by the Planning Board in 1992 as the next highest priority. At the time, the board felt that outside consulting assistance would be needed because of the complexity of the problems in Kelley's Corner. Today, the need for consultants is very clear, not only because the study area will be larger and considerable public outreach and education will be required, but also because new housing developments take much of our staff's time. Article 25 at the 1994 Spring Town Meeting (*Attachment 5*) approved \$10,000 to begin a Kelley's Corner plan.

The proposal to expand the study area grew out of very recent discussions with MAPC about our proposed CDC. It has become clear that enlarging the area will make it more likely to be approved by MAPC as a CDC and thus more likely to be eligible for any state infrastructure funding should it become available. The vacating of the properties on Route 2, along with the DEP order to sewer the School District, and the interest expressed by the Haartz Corporation in expanding have all occurred within the past year. The Planning Board and the Board of Selectmen have agreed that the area should be studied as a whole. Their votes were taken at meetings in May and June, 1994. (Relevant Planning Board minutes are included as *Attachment 6*. Board of Selectmen minutes have not yet been approved.) The Town's ability to effectively study and plan for the entire area shown in *Attachment 1* is dependent upon receipt of the grant.

Finally, the proposed project will address two more needs noted on pages four and five of the CAS. The project is related to two regional activities and needs cited under Question 1 above. MAGIC has identified the need for regional satellite parking facilities and both the Kelley's Corner district and the land along Route 2 could be studied for this purpose as part of the proposed project. In addition, the Route 2 Corridor Advisory Committee (CAC), which meets quarterly with representatives of the State's Bureau of Transportation Planning and Development, the Massachusetts Highway Department, the Central Transportation Planning Staff and Highway District 4, is reviewing the scope of work for a corridor planning study to be initiated in 1995. Acton's representatives to the CAC have been asked to determine what level of improvements on Route 2 the Town and its residents would find acceptable. (Note that the Route 2 Corridor Study is solely a traffic analysis and will not include any public participation funds. Any funding for improvements is years away, but the State has made it clear that it is not willing to study Route 2 improvements unless the Town has reached consensus as to its access needs and the level of

improvements it will support.) Key issues for Acton will be access to the Kelley's Corner area and the sites along Route 2 that are within the proposed project area. A Kelley's Corner plan will have to include a study of local access to Route 2, therefore, a merging of these two local public involvement efforts makes sense and will fit within the timetable for the Route 2 Corridor Study.

- **List any past projects or studies that are relevant to this proposed study.**

The following projects and studies are relevant to the proposed study:

- Acton's 1990/91 Master Plan which established a town-wide land use plan, adopted the Kelley's Corner district, and recommended a further, detailed study of the area.
- The West Acton Village Plan, which was adopted at the 1994 Spring Town Meeting, and the South Acton Village Plan, which is nearing completion.
- The 1988 Kelley's Corner Supplemental 210 Facilities Plan, which established the treatment capacity needed for sewerage Kelley's Corner as it exists today.
- The 1988 Kelley's Corner Supplemental 201 Planning Study which established the need for sewerage Kelley's Corner.
- A 1987 Urban Design Study prepared by MIT students which suggested that Acton should target new growth to Kelley's Corner.

- **Is there an urgent need for this project? Justify why you consider this need urgent.**

The project is urgent for the following reasons:

- The Town's commercial tax base has been eroding, as evidenced by the closure of facilities near Kelley's Corner on Route 2, while residential housing developments are placing new demands on the school system. (Between January, 1993 and May, 1994, the Town issued 4 commercial construction permits vs. 138 residential permits.) We need to put a plan in place for the vacated land and Kelley's Corner district as soon as possible to help attract the type of development that will both pay for the needed infrastructure improvements and expand Acton's tax base.
- Kelley's Corner and the land zoned for office park uses along Route 2 are the only places in Acton suited for increases in the floor area ratios allowed under zoning. The transportation study included in the Master Plan showed that the road network could not support much additional development in other parts of Acton, and there is not room for expanding the roads.
- The schools are under an order by DEP to construct a sewerage treatment plant and we do not know how we can pay for it. DEP will probably be willing to wait if we receive funding for the proposed project.
- A new owner has purchased the entire one level shopping mall at the center of Kelley's Corner (consisting of a grocery store, a drug store, a discount store, a bank, and several other small retail stores.) The owner is interested in major redevelopment if it is made possible by zoning changes and is financially feasible. If we wait any longer, this option for change could be lost to the Town.

- Because of the regional Route 2 Corridor Advisory Committee, Acton has an opportunity to influence the State's decision-making process for Route 2. This opportunity will be lost if not addressed in the coming year.

APPLICATION QUESTION 3: WORKPLAN: GOALS, COORDINATION AND IMPLEMENTATION

- **What are the goals of this project and how will they be accomplished?**

The first project goal is to develop a plan for Kelley's Corner and the adjacent land areas shown in *Attachment 1* that identifies an appropriate level of development to bring about improvements to the area's infrastructure (sewers, parking lots, sidewalks and internal roadways). A second goal is to expand Acton's commercial tax base in an area that has been identified as a concentrated growth center. A third goal is to include in the plan specific strategies (such as zoning changes or other actions) that the Town can take immediately to implement the plan. A fourth goal is to build support for the plan and its strategies with the business and residential communities to further the following goals and objectives in Acton's Master Plan:

- ♦ Direct commercial and industrial development to serve the needs of Acton, to protect Acton's natural environment and other resources, and to be consistent with Acton's new England town character.
- ♦ Maintain a diversity of commercial enterprise in Acton.
- ♦ Discourage strip development and commercial and industrial sprawl.
- ♦ Encourage improvements to the general appearance of commercial establishments.

The goals will be accomplished by completion of the plan, its acceptance by the owners of properties in the study area, approval of any necessary bylaw changes at Town Meeting, and subsequent implementation efforts as identified in the plan. Acton has been innovative in its approach to its Master Plan by taking many of its recommendations to Town Meeting as soon as they were developed. Our land use regulatory plan has been fully implemented and many of the plan's additional recommendations (e.g. historic districts, sidewalks with each new development, allowing accessory apartments) have also been implemented. Every Town Meeting since 1991 has had an opportunity to vote on parts of the plan. We also established a committee, made up of Town board members, staff and a representative of the Chamber in Commerce, that recommended some changes to the plan. The shift in the economy from commercial to residential growth has shown us that we need to be more proactive than we anticipated in bringing about our concentrated growth centers. The Planning Board and the Board of Selectmen, in cooperation with the business community, will be very aggressive in moving the plan and its recommendations forward as soon as it is completed.

- Outline a workplan and specify how each workplan task will be accomplished.
- Include a timeline that provides an estimate of the duration of the total project and each individual task.

TASK	HOW TASK WILL BE ACCOMPLISHED	TARGET DATE FOR COMPLETION
Task 1: Organization and Data Collection		
1.1 Committee interviews and appointments.	Interviews scheduled by Planning Board during regular meetings.	July 31
1.2 Mail out request for consultant qualifications and pre-screen consultants.	Planning staff will prepare letter and mail to potential consultants; screening by committee and staff.	August 31
1.3 Develop RFP for consultant and advertise.	Committee and planning staff, with review and approval by Planning Board, Town Counsel and EOCD as required.	September 6
1.4 Develop data base including land use information, existing conditions, floor area, build-out, land use mix, resources, and constraints.	Planning staff will work on compiling this information over the summer, using existing data.	September 30
1.5 Review proposals, interview and select consultant; finalize contract and scope of work.	Committee and planning staff; other review and approval as required.	September 30
Task 2: Setting Goals and Objectives		
2.1 Plan large-scale public meeting(s) and small roundtable meetings to reach community as a whole and various interest groups: notices, questions, technique, record keeping, etc. Prepare educational materials on data collected, obvious issues, and build-out analysis under current zoning/regulations.	Consultant prepares materials and recommendations re. meeting techniques; committee meets with consultant and staff to discuss; public goal setting sessions will be educational and participatory.	October 31
2.2 Hold public meeting(s) and roundtables.	Everyone participates: consultant, staff and committee members will share work load since a number of meetings will occur in 3 week period.	November 23

TASK	HOW TASK WILL BE ACCOMPLISHED	TARGET DATE FOR COMPLETION
2.3 Prepare report on all goal setting meetings.	Consultant will prepare report and draft goals and objectives for committee review.	December 1
2.4 Draft goals and objectives; disseminate to all earlier participants and others interested.	Committee will draft goals and objectives based on public meetings and analysis.	December 20
Task 3: Analysis and Development of Alternatives		
3.1 Review and supplement existing data base.	Consultant	December 20
3.2 Develop scenarios for Task 4.	Consultant	December 20
Task 4: Design Charette and Conceptual Plans		
4.1 Prepare written and visual report on 3 development scenarios as framework for Charette based on inventory, analysis, goals and objectives.	Consultant will develop 3 conceptual options and prepare report based on their inventory and analysis, and responsive to the goals and objectives; materials must be ready for Charette.	January 3
4.2 Conduct design Charette.	Consultant will plan the design Charette and discuss with staff and committee ; staff and committee will arrange the meetings, which may take place over several evenings.	February 15
4.3 Prepare report on design charette including concept plan of final selection.	Consultant will prepare the written report and plan; committee will determine review process.	March 15
4.4 Prepare final goals and objectives.	Consultant will prepare the final goals and objectives based on all input to date.	March 15

TASK	HOW TASK WILL BE ACCOMPLISHED	TARGET DATE FOR COMPLETION
Task 5: Draft Plan		
5.1 Develop draft plan and report with detailed recommendations for implementation: draft zoning amendments; other regulatory recs., infrastructure improvements, funding mechanisms, municipal impact statement and back-up data for public review and comment.	This work will be done by the consultant, meeting as needed with staff and committee.	April 21
5.2 Distribute draft plan for public review and comment.	Staff and committee	May 15
5.3 Public meeting to review draft plan and comments on draft plan.	Consultant, staff and committee will plan the meeting.	June 1
Task 6: Final Plan		
6.1 Prepare final plan and report for EOCD.	Consultant; approved by committee.	June 14
6.2 Adoption of final plan by Planning Board.	Committee to meet with Planning Board.	June 30
6.3 Implementation of plan.	Town Meeting adoption of zoning amendments; boards, committees and departments per recommendations for implementation in the plan.	After June 30

- **Identify who is responsible for coordination of the project and how the workplan will be implemented.**

Roland Bartl, Acton's Town Planner, will be responsible for coordination of the project. The Planning Board is currently advertising and has begun interviewing for members of a "Kelley's Corner Study Committee." A member of the Planning Board will chair the committee, which will consist of seven to nine people appointed by the Planning Board. To the extent possible, the committee will be representative of the various interests in and around Kelley's Corner, including residents and business-owners. This approach was used successfully in completing the West Acton Village Plan, and has been approved by the Board of Selectmen. A combination of the committee and the Planning Board will interview and select the consultant. During the project, the committee will report on a regular basis to the Planning Board and at key points to the Selectmen (separate from the public involvement process that is part of the workplan.) The consultants will work with the Town Planner, the Assistant Planner and the committee to develop

the plan. Both the Master Plan and the village study plans have been successful team efforts by volunteers and paid staff. However, as with the Master Plan, the committee will communicate any questions and concerns between meetings to the Planning staff, who will then serve as direct contacts with the consultants.

- **What results and products will be derived from the implementation of this project; how will the success of this project be measured?**

Planned results and products are as follows:

- Educational materials for public goal setting sessions.
- A written report (for wide, public distribution) on goal setting sessions and the draft goals.
- A written report on the design charette.
- Conceptual plans for the project area.
- A draft plan with detailed recommendations for implementation (draft zoning amendments; other regulatory recommendations; infrastructure improvements and funding mechanisms; a municipal fiscal impact statement; and general data and back-up, ie. inventory and analysis.)
- The final plan.

The success of this project will be measured by its approval at Town Meeting, as necessary, and its support and use by the business-owners in the study area. One of the recommendations that we will seek in the plan, and include in the scope of work, will address implementation after the project is completed.

APPLICATION QUESTION 4: PROJECT PLANNING AND COMMUNITY

INVOLVEMENT: EOCD has found that the earlier people who will be affected by a project are involved in the project's planning and implementation, the greater the chances of its success.

- **The project must have a working group that assures broad representation. Describe who is involved in the project's planning process (list by function, i.e. elected officials, department heads, municipal employees, consumers of the service, and people who will be directly affected by this activity.) How do these individuals assure broad representation in the working group?**

The project working group is described under coordination of the project in Question 3. A Kelley's Corner committee is currently being established by the Planning Board. The Planning Board has advertised in the local newspaper for interested residents and business owners. Personal contacts are also being made through the Chamber of Commerce and directly with business owners in the study area to ensure a balance of business and resident interest. Because Kelley's Corner is primarily commercial, residents may live elsewhere in Town but bring some special expertise to the project. Some business owners in the project area are also Acton residents. Every effort will be made to ensure a balance of views as well as an open minded

committee that will be active in all phases of the project. For both the Master Plan and the recently adopted West Acton Village Plan, the committee members rather than Town staff or the consultants led the public meetings and presented articles at Town Meeting. We found that this ensured that committee members were actively involved in the decisions being made and their knowledge of the proposals made the plans more credible to voters at Town Meeting. Planning staff and the consultants were always present to give the technical presentations and to answer questions.

Throughout the project and at the end of each task, the work products will be offered for review by the public prior to public meetings. As with the Master Plan and the West Acton Village plan, work products will also be reviewed by relevant town boards, staff, and community organizations. At a minimum, the work products for this project will be reviewed for comment by the Planning Board, the Board of Selectmen and Town Manager, the Board of Health and Health Director, the Police and Fire Chiefs; interested community and business organizations, and study area business owners. In addition, the schools will be asked to appoint a representative to review and comment, if they are not represented on the study committee.

- **When was the group formed, how often did it meet, will it continue to meet during the project?**

As explained above, the group is currently being formed by the Planning Board. It is expected to meet as frequently as the West Acton Village Committee, which was approximately two times per month, throughout the project and until the plan and its recommendations have been adopted.

- **How has the working group been incorporated into the project planning process both before the application was submitted and how will it be incorporated during the implementation of the project?**

Since the working group is just being formed, the Planning Board and the planning staff developed the outline for the project and this application. The draft application was reviewed and changes were suggested by the Board of Selectmen and the Chamber of Commerce. Assistance in outlining the planning process and developing the application was also provided by the former Chairperson of the Master Plan committee, who was on the Board of Selectman in April, 1994 and presented the Warrant Article to appropriate \$10,000 to begin a Kelley's Corner plan.

The incorporation of the working group into the project planning process has been explained above, in the first two paragraphs under this question.

APPLICATION QUESTION 5: LOCAL SUPPORT: An equally important indicator of potential success is the degree to which the project has generated local support.

Evidence of local support include:

- **cash or in-kind match greater than required.**
- **letters of support from local boards, organizations, other municipalities, business groups, consumers of the service, etc.**
- **town meeting vote specifying this individual project.**

At the April, 1994 Town Meeting, Acton voters approved the appropriation of \$10,000 to begin a Kelley's Corner plan. The presentation of this article made it clear that the funding would provide for development of a concept plan, a framework for growth and zoning changes, and recommendations for infrastructure improvements including methods of financing such improvements. It was also made clear that the Town would apply for additional grant monies to do a more detailed plan (as described in this application) and to hire consultants. The decision to expand the study area was made in May and June by the Planning Board and Board of Selectmen, after consultation with MAPC staff about the proposed CDC.

Included in *Attachment 7*, in addition to the Town Meeting article, are the following:

- Certification that a vote of the Planning Board endorsed this application
- Letters of support from the Board of Selectmen, Board of Health, the Acton-Stow League of Women Voters, Acton Citizens for Environmental Safety, and(*Note to BOS: The Chamber of Commerce will review the proposal following your approval.*)
- Local news articles discussing the proposed project
- A zoning map of Acton

APPLICATION QUESTION 6: REPLICATION AND INNOVATION

- **Is the process or the product generated from the project reproducible by another community?**
- **Will a handbook or manual be an outcome of this project?**
- **Does the project include training or forums available to additional communities?**
- **Is the project innovative (for your community, for your region, for the state or nation?) If so, why?**

All of the written reports and the plan document described under Question 3 will be reproducible by other communities. We expect a written Final Plan to be the outcome of the project, as well as votes by Town Meeting and other recommended actions for implementation of the plan. A record of the educational forums would be kept that could be made available to other communities.

Acton's Master Plan was innovative for the state in that its land use regulatory changes, rather than just the plan itself, were adopted at Open Town Meetings in the Spring and Fall of 1990. These regulations changed some zoning designations to protect the environment and concentrate growth, reduced overall build-out potential, created affordable housing overlay districts, and provided incentives for clustering residential development. Today, nearly all of the housing developments submitted to the Planning Board are clustered, thereby preserving valuable open space. Our Master Plan received the New England Chapter American Planning Association Comprehensive Planning Award in 1991 in recognition of the public involvement process used in developing and building support for the plan. Planning Department staff are frequently called by other towns' staff because of their experience with the Master Plan.

This project will take place in a different economic climate than did our Master Plan, which did not anticipate the rapid growth in residential development that is occurring in the early 1990's. It also did not contain adequate incentives to attract businesses to our designated growth centers. This project will have to address these changes and will involve working closely with the business community, both to benefit from their knowledge and to ensure their support. We expect to bring the same energy, innovation and attention to public involvement that we brought to our past planning efforts. We hope that the proposed project will serve as a model for other towns that want to attract new development to targeted growth areas consistent with a town-wide growth management plan.

*Executive
Session*

TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 6/17/94

TO: Don P. Johnson, Town Manager
FROM: Donna Jacobs, Assistant Planner
SUBJECT: Massachusetts Government Land Bank
Requests for Proposals for Predevelopment Assistance Funding

The Mass. Gov't. Land Bank is requesting proposals for predevelopment assistance funds for activities that will "advance the development process for an economic development project with clear public benefit". We need to file a 4 page proposal by August 3 and be capable of completing the project by February 28, 1995.

The request lists several examples of "fundable" projects. The caveat is that they are capped at \$25,000 and require matching funds. We've identified the need for preliminary engineering plans of the reduced sewer area for South Acton as an eligible project with available money for matching funds. Doug would like to propose funding a consultant who could take the large scale sewer plans and reduce them to the smaller scale sewer area that could be connected to a treatment plant at Mill Corner.

We would like an indication from you and the Board of Selectmen (as soon as possible) as to whether we should submit a proposal. Thanks for your attention to this request.

dw11.248

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

*File Copy
6/24/94*

DATE: June 24, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Contract Settlement

I am pleased to confirm that the Fire Union has ratified a three (3) year agreement covering FY94-FY96. The compensation package consists of a 2% increase in each of the first two (2) years of the agreement and a wage reopener in the third year. Health insurance percentages remain at 90%/10%.



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: June 24, 1994

TO: Isa Zimmerman, Superintendent of Schools

FROM: Don P. Johnson, Town Manager

SUBJECT: ERI Hold Harmless Agreement

During the Board of Selectmen's meeting of Tuesday, June 21, the Board voted to approve the attached agreement holding the Municipal Budget harmless against any additional costs that may accrue as a result of the provisions of the ERI program. The Board respectfully requests that the Local School Committee review this agreement and, through their signatures, indicate their concurrence.

A handwritten signature in black ink, appearing to be 'Don P. Johnson', is written over the signature line.

cc: Board of Selectmen

WRITTEN EVIDENCE OF AGREEMENT TO HOLD MUNICIPAL BUDGET HARMLESS

WHEREAS the Acton School Committee and its Superintendent and staff requested that the Acton Board of Selectmen vote to adopt the provisions of the state's teacher early retirement incentive program; and

WHEREAS there is some substantial risk that as a result of such a vote the municipal budget of the Town of Acton might have to thereby bear increased costs, while any financial savings and staff efficiencies would accrue to the benefit of the Acton Public Schools; and

WHEREAS the Acton School Committee representatives, Superintendent and staff repeatedly have said that they would see that the municipal budget would not bear any additional costs through the Selectmen's adoption of the early retirement incentive program; and

WHEREAS the Acton Board of Selectmen, as requested by the Acton School Committee, did indeed, as requested, vote on or about June 7, 1994 to adopt the provisions of the state's teacher early retirement incentive program;

THE MEMBERS OF THE ACTON SCHOOL COMMITTEE hereby affirm in writing their intention to hold the municipal budget harmless against any additional costs that may accrue as a result of the adoption of the provisions of the state's teacher early retirement incentive program.

Date:

Chairperson

Member

Member

Member

Member

Member

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

June 24, 1994

Mr. Ali Zosherafatain
Atlantic Seafood Grill
77 Great Road
Acton, MA 01720

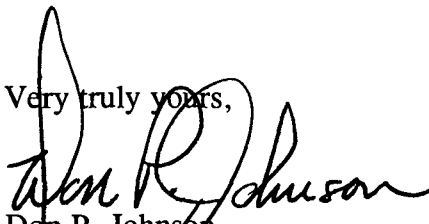
Dear Mr. Zosherafatain:

On Tuesday, June 21, the Acton Board of Selectmen met briefly with Mr. Hamid Alipzadeh, the individual you apparently sent to discuss the recent violation of your Liquor License. The Selectmen appreciated the opportunity of speaking with the person who actually committed the violation; however, the Board was greatly distressed that you, the License Holder, apparently did not consider this matter to be important enough to warrant your presence.

The Selectmen have asked that I write you and schedule another appointment in order that you might appear personally to discuss this matter with them. This violation is sufficiently serious to warrant suspension or revocation of the license and the Board wishes to give you, the actual holder of the license, the opportunity to be heard prior to making their decision. This is your single opportunity to explain what happened, how it happened, what you have done about this violation and what you are doing to prevent this from happening again.

Accordingly, you have been scheduled to appear before the Board of Selectmen at 8:45 PM on Tuesday, July 12, 1994 in the Main Hearing Room at Town Hall.

Very truly yours,



Don P. Johnson
Town Manager

cc: Board of Selectmen

MMA Action



SENATE PASSES GOOD STATE BUDGET FOR CITIES AND TOWNS; CALL YOUR LEGISLATORS ON KEY EDUCATION FINANCE AMENDMENTS

After three days of debate, including its traditional around-the-clock final night, the Massachusetts Senate passed its version of the fiscal 1995 state budget. On the key local aid items, the Senate matched or exceeded the amounts adopted by the House and adopted a slightly different version of the five-year phase out of the lottery cap. In terms of education finance reform, the Senate version of the budget is not as good for local government as the House version.

Overall, the Senate budget maintains the progress for local government that began with the early resolution on local aid, and continued with the House version of the budget. The two versions of the budget are now in the hands of the six members of the budget conference committee who must reconcile the differences between the two branches.

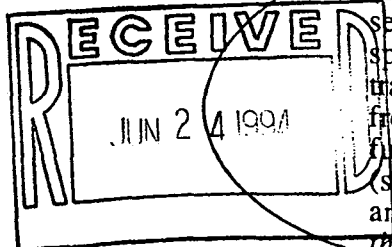
Please take the time to call your legislators and the members of the conference committee and thank them for their support for the local aid portion of the budget and for their vote to eliminate the lottery cap. In addition, please ask for their support for the MMA position on the various education finance issues listed below. (For detailed explanations of any of these items please see the *Legislative Bulletin* accompanying this Alert.)

LOCAL AID. Both branches honored the commitments on local aid contained in the fiscal 1995 local aid resolution: \$40 million in new lottery aid and \$189 million to fully fund the state's education reform obligation. (The Senate version would actually increase the amount of new lottery money by \$5 million, bringing the total to \$45 million. However, this increase is part of the Senate Ways and Means recommendation to virtually eliminate the lottery's advertising budget. Although the advertising budget was cut in half last year and the state lottery fund still managed to increase net revenues by nearly \$60 million, the MMA is concerned that further cuts in the advertising budget may result in a potential long term loss of revenue for cities and towns greater than the \$5 million shift of advertising dollars to direct aid.)

PILOT FOR STATE-OWNED LAND. The House cut the PILOT program for state-owned land by \$2.5 million. The Senate restored PILOT to its funding level for the past three years at \$6.5 million. *Ask your legislators to support the Senate version.*

EDUCATION FINANCE. Each branch adopted a number of provisions regarding the education finance law:

- **School Autonomy/Segregated Accounts.** The House adopted an amendment (outside section 240 of the budget) that would authorize cities and towns to make separate appropriations for school spending that counts toward meeting the state-set spend target (net school spending) and for spending that does not count, school transportation for example. This amendment is needed to prevent school committees from unilaterally causing a spending shortfall for a city and town by transferring funds among accounts. After an intense effort by the school lobbies (superintendents, teachers, and school committees) the Senate did not include this amendment in their budget. *Ask your legislators to support outside section 240 in the House budget regarding segregated accounts.*

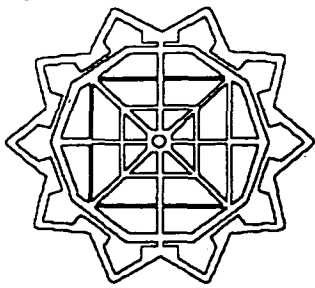


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- **School Spending Relief (Waiver Process).** Both versions contain outside sections that would establish a waiver process for school spending during fiscal 1995. The best waiver process for cities and towns would include portions of both versions. MMA has offered compromise language to the conference committee. *Ask your legislators to support the MMA compromise on the waiver process.*
- **Local Contribution "Circuit Breaker".** Outside section 274 of the House budget would relieve cities and towns contributing more than the statewide average local contribution per pupil from having to close any standard of effort gap with property tax revenues. Instead, such communities would be eligible for "overburden" aid. The Senate did not include this provision in its budget. *Ask your legislators to support outside section 274 of the House budget.*
- **Over Foundation Municipalities.** Outside section 238 of the House budget reinstates the waiver process used in fiscal 1994 for the 128 over foundation communities. The Senate did not adopt this amendment. *Ask your legislators to support outside section 238 of the House budget.*
- **Municipal Medicaid Funds.** Outside section 297 of the House budget that any medicaid reimbursement funds a municipality might receive for services provided to special education students go directly to the school department without further appropriation. The Senate voted to strike similar language from the its budget. *Ask your legislators to oppose outside section 297 of the House budget.*
- **Excess Debt Service.** Outside section 261 of the House budget would significantly limit the availability of the "excess debt service amount" provision that has allowed many communities to win fiscal relief from part of the state-mandated school spending calculation. This section would make "excess debt service" deductible from the "minimum required local contribution" thereby severely limiting the applicability of the "excess debt service amount" to just a handful of communities. *Ask your legislators to oppose outside section 261 of the House version of the budget.*

The best information we have is that the House and Senate leadership are quite determined to complete their deliberations on the Fiscal 1995 budget prior to July 1. Therefore, it is extremely urgent that you contact your legislators and the co-chairs of the conference committee at your earliest convenience regarding these important matters.

So please call your legislators as well as Senator Thomas Birmingham (617-722-1481) and Representative Thomas Finneran (617-722-2990). Thank you very much.



Massachusetts Municipal Association LEGISLATIVE BULLETIN

cc: BOS

June 24, 1994

SENATE PASSES BUDGET; CONFERENCE COMMITTEE NAMED

The Massachusetts Senate completed its deliberations on the fiscal 1995 state budget at 10:00 am on Thursday, June 16. Unlike recent years when conflicts over local aid and other key municipal priorities dominated the budget deliberations, this year welfare reform and (in the Senate) the reinstitution of the death penalty were the hotly-debated topics.

Overall, the budget adopted by the Senate is a good one for cities and towns. The next step in the process is for a six member conference committee, consisting of three members from each branch (four Democrats and two Republicans), to work out the differences between the House and Senate versions. As the Bulletin goes to press, the members of the conference committee are expected to be: House Chair of Ways and Means Rep. Thomas Finneran (D- Boston), House Vice-Chair of Ways and Means Rep. Thomas Kennedy (D-Brockton), ranking minority member of Ways and Means Rep. Kevin Poirier (R-North Attleborough), Senate Chair of Ways and Means Sen. Thomas Birmingham (D-Chelsea), Senate Vice-Chair of Ways and Means Sen. Robert Wetmore (D-Barre), and ranking Senate minority member of Ways and Means Sen. Henri Rauschenbach (R- Brewster).

Despite the controversial and emotional nature of three key items in dispute between the branches (welfare reform, the death penalty, and public funding for abortions), it is still expected that the conference committee will complete its work in time to have the Legislature adopt the conference committee report and place the fiscal 1995 budget on the governor's desk before July 1.

Highlighted below are the key municipal issues contained in the Senate budget:

LOCAL AID. Thanks to the early resolution on local aid adopted by the legislature in April, Cherry Sheets had already been sent out by the time the Senate began its formal deliberations on the budget. Therefore, local aid was largely a pro forma issue during the Senate debate, with one exception. The Senate budget contains full funding for the state's share of education reform at \$189 million and provides level funding for the Additional Assistance line item at \$476.3 million. Lottery funds were actually increased by the Senate by \$5 million to bring the total in new lottery aid to \$45 million. This increase was due entirely to the decision by the Senate to reduce the lottery advertising budget by \$5 million. The long-term effects of this move to eliminate advertising are unknown at this time. However, because lottery aid is the only source of additional, unrestricted aid to cities and towns, we must be extremely cautious in taking any action that could reduce the growth in the most successful lottery operation in the United States.

UNCAPPING THE LOTTERY. The Senate joined the House in putting in place a five-year plan to uncap the lottery. Beginning in fiscal 1996, the \$170 million diversion of lottery funds would be reduced by \$34 million a year over a five-year period. Thus, cities and towns would receive all of each year's growth in lottery funds plus the \$34 million down payment from phasing out the lottery diversion. The Senate Ways and Means Committee had included this plan in its recommendations to the full Senate. Sen. Walter Boverini (D-Lynn) filed an amendment to strike

YES, BUT WILL THESE
MONIES EVENTUALLY BE
EARMARKED?

the plan from the budget. A roll call vote was taken and the Boverini amendment was defeated 37-0, with even Sen. Boverini voting against his own amendment. The plan to uncap the lottery has now been adopted unanimously in both the House and Senate. In addition, Gov. Weld told the June meeting of the Local Government Advisory Committee that he will sign the five-year phase-out.

PILOT FOR STATE-OWNED LAND. The Senate funded the Payment-In-Lieu-Of-Taxes (PILOT) program for state-owned land at \$6.5 million. This represents level funding for the program and a \$2.5 increase over what the House had in its budget. Sen. Jane Swift (R-Adams) was the leading champion for PILOT in the Senate.

UPDATE ON SCHOOL FINANCE RULES

Dozens of amendments to the new education law were adopted during debate in the House and Senate on the state's fiscal 1995 general appropriations bill. They vary from relatively minor technical corrections to significant changes in the structure of the new law. The MMA sponsored several amendments drafted to make the new school finance rules more workable and less onerous and opposed amendments that went the other way. Most of these proposals were covered in previous issues of the *Legislative Bulletin*. The budget conference committee will now sort through provisions of the two branches where they differ and report out a single budget for debate. The amendments to the new school finance law that were adopted, as well as the many that were voted down, reflect continuing frustration at the local level with how the new law affects local budgets and how it is being implemented.

MMA-sponsored Amendments

(a) Section 104 in the House budget bill would expand and re-authorize for fiscal 1995 the program administered by the Department of Revenue's Division of Local Services through which financially distressed cities and towns may apply for relief from the "minimum required local contribution" to schools. The Senate budget in

section 170A includes similar language.

Both budget sections would establish a relief program similar to the kind recommended by the MMA. The MMA opposes the third paragraph in the House version because it would require the member municipalities of any regional school district to approve relief granted to one or more members. It appears to us that this would effectively prevent most members of regional school districts from obtaining any relief. In the Senate bill, cities and towns facing a substantial increase in the "minimum required local contribution," but not facing fiscal distress otherwise, would not have standing to file an application for relief. The House language allows municipalities to file if the mandated school spending increase exceeds the "municipal revenue growth factor."

(b) Section 240 in the House budget bill would allow the local appropriating authority in a city or town to separately appropriate for school spending accounts that count toward meeting "net school spending" and separately for accounts that do not. The school committee would be required to seek approval from the local appropriating authority for any transfer of funds between these accounts in a manner similar to requests for transfer by other municipal departments. School committees would still retain the authority to transfer between accounts within the definition of "net school spending." This amendment would simply prevent school committees from unilaterally causing a municipality to be in violation of Chapter 70. There is no similar section in the Senate bill.

(c) Section 238 in the House budget bill would allow any city or town in which spending for each of the school districts that the municipality is a member of exceeds the foundation amount to apply to the Department of Education for a reduction in the required local contribution. The department would grant a reduction only upon determining that the municipality is offering the "highest quality educational program." This relief program is a re-authorization of the department's fiscal 1994 program [section 128 of the Acts of 151/1993]. If the department determines that certain education-related criteria have been met, the preliminary local contribution for the municipality would be reduced so that the mandatory increase at least matches the increase in minimum aid.

There is no similar section in the Senate bill.

(d) Section 274 in the House budget bill would establish a local contribution "circuit breaker" for cities and towns appropriating more than the state-wide average local contribution. Any municipality in which the "local contribution" per pupil exceeded the state-wide average "local contribution" would receive "overburden aid" to close any "standard of effort" gap. There is no similar section in the Senate bill.

Budget Sections Opposed by the MMA

(a) Section 261 in the House budget bill would significantly limit the availability of the "excess debt service amount." This section would change the rules for calculating any relief that a city or town may be eligible for using the "excess debt service amount." Under current law, any "excess debt service amount" is deducted from the "minimum required local contribution." Under the House proposal, the "excess debt service amount" is deducted from the "standard of effort." This limits the availability of excess debt service relief to cities and towns required to close a standard of effort gap without the benefit of "overburden aid." The Senate bill includes similar language added by amendment offered by Sen. Robert Wetmore (D-Barre).

(b) Section 297 in the House budget bill would prevent cities and towns from using municipal Medicaid reimbursement amounts to meet the "minimum required local contribution" under the new school finance law. This section would allow school committees to spend without appropriation any payments received from third party payers, such as insurance companies and the federal government, for medical services provided to special education students. It would set up a special account outside of the foundation budget for school committees to spend for any purpose. Similar language was stricken from the Senate budget through an amendment offered by Senator John O'Brien (D-Andover).

Other School Finance Law Amendments

(a) Section 72 of the House budget bill would extend the current school building assistance program rate schedule for another two years until

June 30, 1996.

(b) Section 237 of the House bill would change the way that the "preliminary local contribution" is calculated for a fiscal year. The base amount for the PLC calculation would be the "minimum required local contribution" for the prior year not the actual local contribution as is now the case. Section 237 would set fiscal 1993 as the first base year. It appears that this section was designed to eliminate the disincentive to appropriate more than the minimum amount.

(c) In section 239, the House would allow the member municipalities of a regional school district to vote to adopt a district-wide "municipal revenue growth factor" for the purpose of calculating the "minimum required local contribution" for its members. The regional MRGF would be an average of the MRGF of each of the member municipalities. Section 239 would require that the RSD agreement for districts in which this provision is adopted be amended to specify the method of calculating the MRLC for members.

(d) In section 241, the House would require that school districts spend at least the foundation amount for: professional development [3 percent of foundation teaching and support staff amount], books and equipment [\$125 PS-K, \$250 E, BiL, and Jr/M, \$400 HS, \$700 Voc, \$200 InS SPED], and facilities maintenance. For any school district spending less than the foundation amount in any of these three categories, the district would be required to spend \$10 per foundation enrollment in fiscal 1995 and an additional \$10 each year thereafter until the foundation amount is reached. In addition, for any district with more than 100 "foundation low income enrollments," the full "expended program allotment" amount [\$380 per low income elementary and middle school students adjusted by the WAF]. This amount would be required to be spent on "mental health and social support services, including the hiring of at least one mental health and social support professional staff for each 100 low income students. No school district would be required to spend on these items in total more than the amount of Chapter 70 base aid received by the district.

(e) In Section 242, the House would provide for the use of estimated enrollments by school

districts in calculating the foundation budget for a fiscal year. If by December 31 of the fiscal year, actual enrollment falls short of the estimate, the foundation budget and state aid amounts would be recalculated [no recalculation of local contribution, however]

(f) In section 63, the Senate would change the formula for calculating Chapter 70 "overburden" aid under the new school finance law to eliminate any disincentive for spending more than the "minimum required local contribution." For cities and towns in which the standard of effort gap for a fiscal year is closed fully using "overburden" aid [in other words, without any local contribution] the "gross overburden amount" for the next fiscal year would include any local contribution made by the city or town in the prior year in excess of the "minimum required local contribution." These is no similar section in the House budget bill.

LABOR ISSUES IN BUDGET

Quinn Bill

Both the Senate and House versions of the state budget would not fully fund the police career incentive pay program. The program would be funded at \$11.8 million — \$1.5 million short of the state's \$12.3 million obligation for Fiscal 1995 to reimburse 50 percent of 1994 costs related to the program. In addition, the House version contains language that would withhold Fiscal 1995 reimbursements until a special legislative commission submits a report on the fiscal impact for full state reimbursement of all outstanding prior fiscal year obligations, and until the report is approved by either the House or Senate Ways and Means Committee. The deadline for reporting would be December 31, 1994. The Senate language also includes a commission; however, the distribution of Fiscal 1995 reimbursements would not be contingent on approval of a report.

Retirees' COLA

The House and Senate versions would grant a 3 percent cost of living increase for retirees. A cap of \$275 would be imposed. The House language would require that any employee retiring

after July 1, 1994 would be required to contribute a minimum of 15 percent of his or her health care coverage, or the same dollar amount that active employees in the same plan contribute, whichever is greater.

Disability retirement

The House included a provision that would allow an individual who has retired under a disability retirement, and who has been continuously employed by the state or a municipality for at least ten years after the retirement, would be restored to active service if the employee so chooses. After being restored to active service, the retirement allowance would end, and he or she would become an active member. Any creditable service in effect at the time of retirement for disability would be restored, and upon subsequent retirement, the individual's allowance would be calculated as if the disability retirement and reinstatement had not taken place.

Police Cadet Training

The House included a provision that would establish a Cherry Sheet assessment of \$1,800 for each police cadet trained at the Criminal Justice Training Council. The municipality would be reimbursed by the cadet over eighteen months through wage withholdings from the cadet, or as otherwise negotiated.

Health: Any Willing Provider for Pharmacies

The House and Senate included the same language concerning provisions for any-willing-provider for pharmacies, which would require HMOs and other managed care organizations to contract with any pharmacy that is willing to take a price. This would remove the ability of health plans to negotiate based on volume of sales, cost, quality and service, and would undo health networks and undermine managed competition.

Mandated Benefit

The House would create a new mandated health care benefit by mandating coverage for blood glucose monitoring strips for home use for diabetics.

Health: Abortion Coverage

The Senate included outside sections that would remove the provisions in Chapter 32B that prohibit health policies from covering abortions.

Workers' Compensation

The Senate version included a provision that would remove a prohibition against workers' compensation awards for scar disfigurements that are not on the face, neck or hands.

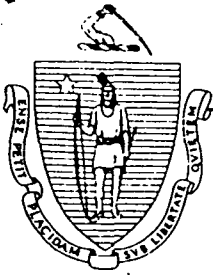
SENATE FUNDS CHAPTER 90 PROGRAM

The Senate concluded its marathon 22-hour budget debate by releasing from Senate Ways & Means its version of the Capital Expenditures Bill, S. 1740. The bill contains \$300 million in Chapter 90 funds for cities and towns. The MMA is concerned about two major language differences in the House (4905) and Senate versions of the bill. Section 18 of S. 1740 does not include language contained in the H. 4905 that is crucial to smaller communities in the commonwealth. The Senate version omits language that would give communities the long-desired ability to either lease, purchase, or enter into a lease-purchase arrangement for equipment, road building machinery, or tools. Currently, during leaner years, a number of cities and towns have had to forego making any capital purchases, as well as delay any road construction or reconstruction projects due to the lack of available funds. The House version's flexible language, coupled with the additional dollars in this bond bill, would give communities the opportunity to spend the funds on a large project without having to carry over authorizations, and could potentially allow for the purchase or lease-purchase of the necessary equipment to complete the project.

The MMA is also concerned that section of 19 of H. 4905 was not included in S. 1740. The intent of this section is to require the Massachusetts Highway Department to certify in writing the amounts to be made available to cities and towns within 30 days, effective on the date of the bill. It requires the Highway Department to make up to 50 percent of the total apportionment available to cities and towns. This represents a departure from previous department policy which would require that no more than approximately 25 per-

cent of the funds be made available to communities immediately. It has been quite some time since the Chapter 90 bond program has received any significant funding, so communities are now in a position to spend the 50 percent allotment.

The MMA urges you to contact the House and Senate Conference Committee members and urge them to recede to the House language in the Capital Expenditures Bill. The conferees are: Senators Birmingham, Wetmore, and Rauschenbach, and Representatives Finneran, Kennedy, and Poirier.



William F. Weld
Governor

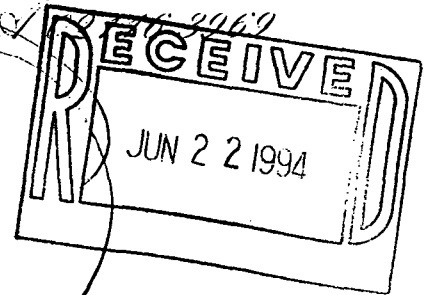
Argeo Paul Cellucci
Lieutenant Governor

James J. Kerasiotes
Secretary

Mr. Norman Lake
Chairman, Board of Selectmen
Town of Acton
472 Main Street
Acton, Massachusetts 01720

The Commonwealth of Massachusetts
Executive Office of Transportation and Construction
Ten Park Plaza Boston, MA 02108-2969

BOS -
I DID NOT HAVE
THE ADDITIONAL INFO. NOTED
BELOW (OR ATTACHED) WHEN
I FORWARDED THIS ITEM
TO YOU LAST WEEK.
JUL 13 1994
Wm



CC: D. ABST
ROLAND B. FALZ

Dear Mr. Lake:

Thank you for your letter of June 7, 1994, whereby you expressed concerns about the status of the Route 27 bridge in Acton, given the recently-proposed TIP amendment for the Central Artery/Third Harbor Tunnel.

According to Highway Department staff, there are a number of issues yet to be resolved before the Acton project can be advertised, among which, the completion of the design, a number of right-of-way takings, and permits appropriate to the historic district where the bridge is located.

In addition, the delay in the passage of the current transportation bond bill has prevented the state from awarding contracts for any project advertised since January. As a result, a significant portion of this construction season has already been lost.

Let me assure you however that progress is apace with your project. It is currently in the FFY 1993 - 1995 TIP with an expected advertising date sometime in the spring of 1995.

If in the interim you have any questions, or if you need additional information, kindly contact my staff.

Sincerely,

[Signature]
Daniel F. Beagan
Director

I note that this is
1/2 year later than
indicated in TIP. See next sheet. RB.

PROPOSED TIP PROJECTS
FOR THE BOSTON METROPOLITAN AREA
Prepared by the Metropolitan Area Planning Council

LISTED BELOW IS THE MOST UP-TO-DATE INFORMATION THE MAPC HAS REGARDING TIP PROJECT REQUESTS IN YOUR COMMUNITY. PLEASE READ OVER THE INFORMATION CAREFULLY AND NOTIFY THE MAPC IF ADDITIONAL INFORMATION IS AVAILABLE OR CORRECTIONS ARE NECESSARY. UNLESS THE MASSACHUSETTS HIGHWAY DEPARTMENT WILL BE DESIGNING AND ENGINEERING THE PROJECT, IT IS UP TO THE COMMUNITY TO PROVIDE THE NECESSARY INFORMATION IN SECTIONS 1, 2, 3 AND 4 FOR CONSIDERATION IN THE TIP. PLEASE CONTACT CHRISTOPHER C. SKELLY AT MAPC (617) 451-2770 IF YOU HAVE ANY UPDATED INFORMATION OR QUESTIONS.

1. PROJECT LOCATION

COMMUNITY: ACTON
LOCATION: ROUTE 27
AT: B & M RAILROAD
FROM: NA
TO: NA

MHD PROJECT NUMBER: 104749

MHD DISTRICT: 3

MAPC SUBREGION: MAGIC

WORK ALSO IN:

2. PROJECT REQUEST AND DESCRIPTION

DATE OF MOST RECENT REQUEST: IN TIP
COMMUNITY PROJECT CONTACT PERSON: DAVE ABBT- (508) 264-9628
TYPE OF PROJECT REQUESTED: BRIDGE RECONSTRUCTION
DESCRIPTION OF THE PROJECT: BRIDGE RECONSTRUCTION #A-2-4, REMOVE BRIDGE #A-2-5

PROJECT DATA

PROJECT ENGINEER: IN TIP
IS ROW REQUIRED?: IN TIP IF YES, WHEN WILL ROW BE ACQUIRED?:
% ENGINEERING COMPLETE: IN TIP
COST ESTIMATE: \$2,500,000.00
SCHED ADV DATE: 11/1/94
IF LISTED AS 1/1/00, A SCHEDULED ADVERTISING DATE IS NEEDED.

APPROVALS REQUIRED

MHD DISTRICT HIGHWAY DIRECTOR APPROVAL: IN TIP
MHD PROJECT REVIEW COMMITTEE APPROVAL: IN TIP
% ENGINEERING APPROVED BY MHD: IN TIP

TIP INFORMATION (Information in this section will be completed by the MAPC and the State)

FISCAL YEAR: 95 PR=A PROPOSED PROJECT NOT YET LISTED IN THE TIP
ELEMENT: H
FUNDING CATEGORY: BRIDGE
AMENDMENT: Y
LATEST AMEND DATE: 9/15/93
CHANGE TO: MOVED FROM 94 TO 95

PROJECT CONSTRUCTION

BID: N
WARD DATE:
AMT OF BID: \$0.00
WHEN THIS PROJECT IS ADVERTISED FOR CONSTRUCTION, PLEASE NOTIFY THE MAPC.

MISCELLANEOUS NOTES ON PROJECT

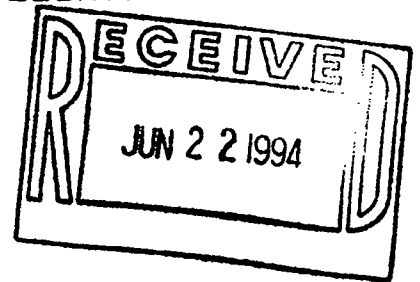
4/94 PROJECT LISTED IN PROJIS.



THOMAS F. REILLY
DISTRICT ATTORNEY

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY FOR MIDDLESEX COUNTY
CAMBRIDGE 02141



June 20, 1994

Dore Hunter, Selectmen
Town Hall
472 Main Street
Acton, MA. 01720

cc: BOS

Dear Selectmen Hunter:

When Tom Reilly was elected District Attorney, one of his major concerns was, and remains, deterrence and prevention of youthful criminal offenders, combined with a proactive approach toward keeping our schools and communities safe from violence and drugs. Towards that end, I have been asked to begin implementation of District Attorney Reilly's Community Based Justice Program in your community.

I am currently in the process of contacting various agencies within Concord in order to set up a meeting to accomplish this goal. Because your agency is an integral part of the make-up of this community, I would like to ask you to participate with these efforts. Your concerns and perspectives are an important part of the future success of this program.

A meeting will be held on July 12, 1994 at 10:00AM, at the Cambridge Courthouse in the County Commissioners Room located on the third floor, for the purpose of introducing each of the members of this community based group and to begin to exchange ideas. I hope you will be able to join us on July 12, 1994. In the mean time, please feel free to contact me with any question and/or concerns.

Very truly yours,

Michael D. Brennan
Assistant District Attorney
Framingham Regional Office
100 Concord Street
Framingham MA. 01701
(508) 875-4141

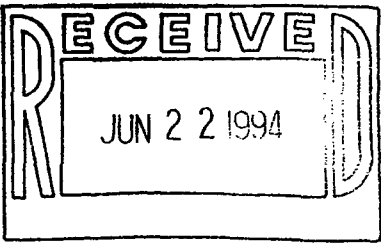
CC: BOS - FYI

770

ACTON HISTORIC DISTRICT COMMISSION
472 Main Street, Acton, MA 01720

NOTICE OF WAIVER OF PUBLIC HEARING

APPLICATION # 9414



Date of mailing: June 22, 1994

Dear Property Owner:

An application for a Certificate of Appropriateness has been received by the Acton Historic District Commission from the following property owner:

<u>Applicant and address of proposed work</u>	<u>Proposed alteration</u>
Sheila Simollardes 260 Arlington Street	sign for Gallery Cornucopia

In accordance with the Acton Historic District Bylaw, the Commission may waive a public hearing on an application for a Certificate of Appropriateness if the Commission determines that the alteration to the exterior features involved is insubstantial in its effect on the overall historic district. Such action by the Commission requires that notice be given to the owners of all adjoining properties and other properties that may be materially affected by the alteration. The above case is currently under review for a Certificate of Appropriateness. If you do not request a public hearing within ten (10) days from the date of mailing, the Commission may act upon the application without a public hearing.

If you desire a public hearing, please sign and return this notice to the Commission within ten days from the date shown above. If you do not desire a public hearing no action on your part is required.

Name

Address


Historic District Commission

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

June 22, 1994

Crossroads Cafe
Jay Manning, Mgr.
Nagog Sq.
Acton, MA 01720

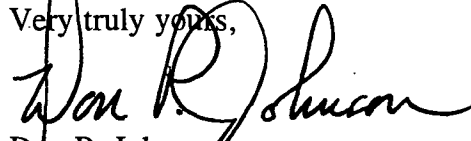
Dear Mr. Manning:

On April 1, 1994 a minor was allowed to purchase an alcoholic beverage from your establishment. On June 21, 1994 you met with the Board of Selectmen to discuss this violation of your Liquor License and to explain the actions that you have taken (or plan to take) to prevent this from occurring again.

The Selectmen appreciated your candor and sincerity during the discussion on June 21st; however, they have asked that I write you and express their extreme displeasure that this incident occurred. The Board has indicated its intention to take swift and severe action if such a violation is repeated. Accordingly, you are cautioned that any future violation may result in the suspension or revocation of your Liquor License.

The responsibilities associated with a Liquor License are substantial. The Board of Selectmen consider any violation of these responsibilities to be serious ... especially as they relate to minors ... and will handle any future violation accordingly.

Very truly yours,



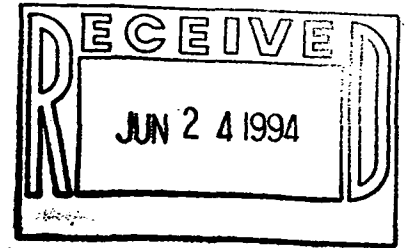
Don P. Johnson
Town Manager

cc: Board of Selectmen

DPJ:11

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108



Acheson H. Callaghan, Esq.
(617) 573-0178

Telephone: (617) 573-0100
Facsimile: (617) 227-4420

June 23, 1994


Mr. Don Johnson
Town Manager
P.O. Box 236
Acton, MA 01720

Dear Don:

I enclose our bill for services through May.

If you have any questions, please let me know.

Very truly yours,


Acheson H. Callaghan

AHC/dcb

Enclosure

CHRIS -
PLS. PROCESS FOR PYMT.

CC: BOS
PLANNING
ASSESSING
BUILDING } COVER & 2 PAGE SUMMARY

June 23, 1994

Town of Acton
P.O. Box 236
Acton, MA 01720

PALMER & DODGE

One Beacon Street
Boston, Massachusetts 02108-3190
Telephone: (617) 573-0100
FEDERAL I.D. NUMBER 04-2170788

For professional services through May, 1994, as follows:

General Town Matters

Review, advice and drafting with respect to various land acquisition matters;	\$ 900.00
Research and advice on various zoning and subdivision issues;	1,950.00
Services in connection with forfeiture claim and review of Sheenan claim;	375.00

Litigation and Related Matters

Services on tax abatement matters;	2,100.00
Services in connection with collective bargaining matters;	5,300.00
Services in connection with enforcement of LMI bond for traffic light;	1,550.00
Services in connection with appeal by Sawyer of denial of gun permit; and	225.00
Services in connection with appeal by Mobil Oil from denial of sign permit.	<u>475.00</u>

TOTAL SERVICES	\$ 12,875.00
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EXPENSES INCURRED BUT NOT POSTED PRIOR
TO THE BILLING DATE WILL APPEAR ON A
SUBSEQUENT STATEMENT.

DUE AND PAYABLE WITHIN THIRTY DAYS

Disbursements

Computer research	\$ 20.54
Duplication	80.40
Express delivery	24.20
Hand delivery	17.00
Official Fees	70.00
Telecopier	219.00
Telephone	34.69
Title and Title Insurance	30.00
Travel & Related Expenses	<u>104.12</u>

TOTAL DISBURSEMENTS	<u>\$ 599.95</u>
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AMOUNT DUE	<u>\$ 13,474.95</u>
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ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

May 5, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, student representatives, citizens and press

The meeting was called to order at 7:30 p.m. by Pam Harting-Barrat, Chairperson.

At 7:31 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:50 p.m.

The ABRHS Madrigal Singers performed a short program. School Committee members thanked Bob Specian, director, and the singers for their enjoyable addition to the agenda!

The chairperson highlighted the items to be discussed during the meeting.

The minutes of March 31, 1994 were approved as presented.

Warrant #94-041 in the amount of \$212,012.85, warrant #94-042 in the amount of \$111,847.83, warrant #94-043 in the amount of \$7,906.18, warrant #94-044 in the amount of \$479,447.04 and payroll warrants totaling \$773,153.95 were signed by the chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: None

OLD BUSINESS

1. Revised Distribution of Materials Policy - Second Reading

- Dr. Zimmerman briefly reviewed the policy.
- Jean Butler suggested that some material could be distributed at the discretion of the principal, and that the PTO groups should be specifically included.
- Dr. Zimmerman would like to have a professional to look at our policy manual to sort out policy/procedure statements. Linda Kroll said that school committees are redoing policy books due to changes in education reform legislation. Micki noted that MASC offers this service.
- Dr. Zimmerman will bring a revised policy and procedures to the June meeting.

2. Confirmation of Approval of High School Baseball Trip

It was moved, seconded and unanimously

VOTED: To confirm previous verbal approval of the high school baseball team's trip to Cooperstown, NY on April 16 and 17.

On behalf of the School Committee and administration, Dr. Zimmerman has asked that requests for athletic trips be submitted on time.

3. Proposed Athletic Fees - 1994-95

- Dr. Zimmerman briefly reviewed the rationale for instituting the fee this year; we were in danger of having to eliminate sports. Because of the one-time large gift from ABSAF, the fee was relatively low.

- Next year, however, ABSAF's contribution cannot be as great; therefore the proposed fee for 1994-95 is \$95. (Most schools in our area charge between \$50 and \$100.) This fee will cover all salaries, supplies, materials and trainer. Booster groups may continue to raise funds as they have in the past.

- Several committee members commented that this is too high an increase. Micki asked if booster groups could help pay the fee and Dr. Zimmerman said yes, they could help defray the cost. Since this amount is based on a specified number of participants, Don asked if we were prepared to cutback if we don't get the sign-ups.

- Mike Guzzo, next year's ABSAF president, said that a letter signed by 30 ABSAF members will be sent to the School Committee about the effort to divide funds evenly and fairly. He added that there is an expectation that there will be a fee for music programs, and ABSAF plans to address this next year.

- Pam thought that it was unfair to athletes to bear the burden of the high fees. The school committee needs to be neutral and look at it across board. She hopes we can revisit the entire athletic fee policy in response to ABSAF and community concerns. Lees felt that the committee needs to listen hard to the fairness concern, that athletic fees with no other is not fair.

- Linda felt that if we are going to have additional fees, they should all be considered together as package. Dr. Zimmerman can present a package again in June.

- Steve Donovan and several school committee members voiced a real concern about charging a fee for service organizations.

- Don Wheeler and Steve Aronson thought we are not looking at the expense side; other departments have had to do with less this year and athletics may have to do the same.

- Mary Anne noted that if band had its expenses taken care of to the extent the athletic program has, they would not mind paying a fee. She said there are inconsistencies, i.e., different teams/activities are supported at different levels.

- Rick suggested looking at a pay as you go policy, i.e., it isn't right for everyone to pay \$95.

- Lees said we have to acknowledge that we don't have the money any longer to support all these programs in the budget, but that parents want the opportunity for their children.

- Steve commented that we should incorporate band and athletics into the policy for fairness and consistency.

- Don asked about increasing gate receipts; Steve Donovan said ours are comparable; we did not charge for afternoon games this year.

- Another option, Dr. Zimmerman said, is to turn sports back to parent groups entirely.

Steve Donovan suggested considering fees for those activities that compete for Acton-Boxborough.

- Mr. Kabakoff suggested a pay as you go model, with ABSAF paying for inordinate expenses.

- Steve said we need to establish a clear policy about including activities as part of educational process and then leave to administration and parents groups and ABSAF as to its

implementation. He and Linda suggested meeting with the booster groups, ABSAF and activity heads.

- Dr. Zimmerman said we need to bring something else to the committee, i.e., three or four statements of policy including public, private or mixture for funding.

4. Fundraising Procedures - First Reading

• There was discussion about the wording of the first three sentences of the procedures. The first sentence was amended to read, "The School Committees hold the position that PTO and other parent groups shall not supply funding for personnel, except under the following procedures," followed by a) ,b), c) etc.

- Linda would like a stronger statement.
- Jean suggested adding a clause regarding funding for personnel in their individual schools; she feels the policy should be district-wide.
- Lees remembered that, at previous local school committee meetings, there was much parental input, and this document was developed as a reasonable compromise to give parents some latitude.
- There will be a second reading of the fundraising procedures at the next meeting
- Regarding the gift policy, Dr. Zimmerman said the administration will present an overview of what gifts were planned for coming the year.

NEW BUSINESS

1. Leaves of Absence Policy - First Reading

- There was discussion about the number of years leaves should be granted. The wording of the first sentence "up to" was changed to "not more than".
- There will be a second reading next month.

2. High School Debate Club Trip Approval

It was moved, seconded and unanimously

VOTED: To approve the High School Debate Team trip to Oshkosh, WI from May 27-30 to participate in the Grand National Conference.

Don congratulated the six students and faculty advisor, Bill Seymour, and wished them luck.

3. Naming of the New Concession and Press Facility

It was moved, seconded and unanimously

VOTED: To name the new concession facility at the high school football field "The Finley Concession and Press Facility."

This falls within the guidelines of school committee policy. The facility will be dedicated on May 21, 1994. Everyone is invited to attend.

FOR YOUR INFORMATION

Dr. Zimmerman referred to:

- Establishing School District Goals for Next Year
 - Linda suggested we coordinate with the individual schools' improvement plans. Dr. Zimmerman will ask for a rough draft from each school and there will be further discussion at the July 7 piggy-back school committee meetings.

- **Congratulations** to Nancy Kolb, who has been appointed Director of Pupil Services, K-12, effective July 1, 1994.
- The RDLs (Regional Department Leaders) have been appointed: Pam Lynn, Social Studies; John Nacke, Science; Rosie Dow, Math; Joean Doherty, Foreign Language; Nancy Nizel and Dorothy Johnson, sharing RDL/BDL English. The BDLs (Building Department Leaders) will be announced soon.
- **Congratulations** to Mac Reid, who has been appointed Principal of the RJGrey Junior High, effective July 1, 1994.
- HS Seniors memo - A letter will be sent out urging responsible behavior.
- Subcommittee on Evaluation for Superintendent - Pam reported that the committee has met and will meet again on the 23rd.
- Draft of Gift Policy - Please review and react between now and next meeting.
- Jean was glad to see that the Peer Leadership group was helping with smoking issue.

WARRANT DISCUSSION: None

CONCERNS OF THE COMMITTEE

- On behalf of the committee, Mary Anne said farewell and thanks to Don Wheeler, this being his last (official) school committee meeting. The Committee and communities have appreciated his thirteen years of service. We will miss his leadership, insight and humor.
- It was moved, seconded and unanimously

VOTED: To name the Junior High library after Clifford Card in recognition of his 20 years as principal. The dedication will be on June 2 at 2:30 p.m.

- Lees congratulated the Academic Decathlon Team which placed fourth in the nation - an unprecedented victory! Dr. Zimmerman plans to invite all students who receive awards, etc. to meet with the School Committee.
- Steve Aronson invited all to attend *India Day* at Conant on Friday, May 13. He also thanked Mr. Kabakoff and all those working on Project Graduation.

NEXT MEETING - June 2 - 7:45 p.m., JH Library

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary

(CC: BAS)

Acton Public Schools
Acton-Boxborough Regional Schools

SCHOOL COMMITTEES' SUB-COMMITTEE
on the
EVALUATION PROCESS FOR THE SUPERINTENDENT
May 2, 1994
7:30 p.m. - Room #114, Junior High School

Present: Pam Harting-Barrat, Jean Butler, Lees Stuntz, Mary Anne Vogel, Isa Zimmerman

1. Members of the sub-committee reviewed the old process.
2. The following changes were discussed:
 - outgoing chairs will write a summary report, which will be a public document
 - the goals will be used for evaluation purposes
 - a list of functional duties will form the other part of the evaluation
 - a self-assessment by the Superintendent will be included
 - assessments by the principals and Central Office will be requested.
3. The sub-committee reviewed the Belmont model.
4. The Superintendent will revise the document and give it to the School Committees as an Acton/Acton-Boxborough model by May 5.
5. The time needs to be changed in the Superintendent's contract - not April, rather in June with a mid-year check in January.
6. A review must be made of the job description.
7. School Committee goals will be discussed in June, set in September.
8. A new timetable was proposed.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
Isa Kaftal Zimmerman

**Proposed Timetable
for the
Evaluation of the Superintendent of Schools**

1. Beginning of June (*at the regular meeting*)
 - Superintendent reports on current year's goals
 - Evaluation documents distributed to all parties
2. Second week in June
 - School Committee members return evaluation documents to chairs
3. Third week in June
 - Draft composite by chairs returned to School Committee members
4. Fourth week in June
 - School Committee members comment on draft to chairs
 - School Committee goals discussed for next year
5. First meeting (joint) in July
 - Report on Superintendent's evaluation made public
6. End of August
 - Leadership Conference
7. End of September
 - School Committee accepts goals for that year
8. January
 - Superintendent status report on goals to School Committee and other affected parties

5/4/94

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

March 31, 1994

Members Present: Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams (8:45)

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, citizens.

The meeting was called to order at 7:20 p.m. by Steve Aronson, Vice-Chairperson.

The chairperson highlighted the items to be discussed during the meeting.

ABSAF PRESENTATION

A check for \$100,000 was presented to the School Committee by Tom Wachtell, President of ABSAF and Kathy Neschleba, ABRHS student. It was moved, seconded and unanimously

VOTED: To accept the gift of \$100,000 from ABSAF.

On behalf of the Committee and the communities, Steve Aronson thanked the ABSAF group for their generous donation to the schools.

At 7:25 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 8:06 p.m.

The minutes of March 3, 1994 were approved as presented.

Warrant #94-037 in the amount of \$235,027.87, warrant #94-038 in the amount of \$113,561.72, warrant #94-039 in the amount of \$126,873.36, warrant #94-040 in the amount of \$339,532.00 and payroll warrants totaling \$1,162,890.48 were signed by the chairperson and circulated to other members of the committee.

PUBLIC PARTICIPATION: None

OLD BUSINESS

1. **Early Retirement Incentive Program Update**

Mac Reid gave a brief summary of the state's Early Retirement Incentive program. This program for teachers has been in existence for a year with 62 communities participating. The State is again offering the program for 1994-95 and the regional

School Committee must vote whether or not to participate. Twenty-four teachers, 12 from AB and 12 from APS have expressed interest. Probably 6-8 teachers will end up participating. AEA representatives and Mac have met with the Massachusetts Teachers' Retirement Board representative and Roy Weatherbee, from the town of Acton. There will be an estimated \$16,000 savings to the school system per year because of the difference in salaries between the retiring teacher and the new teacher and the health insurance. Should the state renege on payments, town officials expressed concern about their possible financial responsibility. Mac said the Retirement Board would be responsible for teacher retirement payments, not the Town. An agreement could be made saying that if the state does renege, the schools, not the town, would be responsible. The cost can be spread over 15 years. Teachers and the AEA are very positive about the plan and recommend that the committee approve it. It must be agreed that teachers may participate in only one program but not both (State or AEA Early Retirement). The administration will check with legal counsel to see if a side letter of agreement to this effect would be sufficient. It was moved, seconded and

VOTED: To approve the region's participation in the Early Retirement Incentive program. (Vote: 7 for, 1 abstention[Williams]).

There will be a side letter of agreement allowing staff to participate in only one ERI program.

Steve thanked AEA representatives Mary Jane Merrill and Corinne LaRoche for their background work.

NEW BUSINESS

1. Leave of Absence Policy - First Reading - removed from agenda

2. Revised Distribution of Materials Policy - First Reading

Dr. Zimmerman said that the current policy has been in existence since 1981. The amount of material coming in averages one per day. Rather than going out to all the principals first, material to be distributed is reviewed by the Superintendent. A form is then sent to all schools indicating appropriate distribution. Jean asked if principals will have the right not to distribute, and Dr. Zimmerman said she would take this into account. This policy will be voted on at the next meeting.

3. Acceptance of Gift from Jack Finley

It was moved, seconded and unanimously

VOTED: To accept the gift of \$18,929.06 from Jack Finley for the purpose of building a new concession building at the ABRHS athletic field. It will be dedicated at an appropriate occasion.

4. Budget Process Evaluation Form

School Committee members will fill out and return to Dr. Zimmerman.

5. Custodial Contract, 1993-96

A three-year custodial contract has been approved in executive session on the condition that it is voted by the custodial staff. It will then be officially voted in open session.

NO REF.
TO VOTE
ON AGREEMENT

FOR YOUR INFORMATION

Dr. Zimmerman referred to:

- Additions to spring coaches list
- Grant awards update
- Report of winter activity fees - are on target with \$40,100 collected
- Chair ceremony honoring staff with 20 years of service
- Memo from High School principal Steve Donovan regarding High School Program of Study.

WARRANT DISCUSSION: None

CONCERNS OF THE COMMITTEE

- Jean - Was concerned about the smoking in the High School bathrooms and asked the high school staff to address the problem.
- Linda - Asked that fundraising procedures be brought up next time
 - Asked when a new evaluation instrument will be implemented for the Superintendent
- Steve - Expressed concerns about the Selectmen's comments about the School Committee. He feels they do not appreciate or recognize what we do.

The meeting was adjourned at 9:05 p.m.

NEXT MEETING - May 5 - 7:45 p.m., JH Library

Respectfully submitted,

Sarah T. Lawton, Secretary

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

March 3, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens and press

The meeting was called to order at 8:16 p.m. by Pamela Harting-Barrat, Chairperson.

At 8:17 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 8:50 p.m.

The minutes of February 3, 5 and 17 were approved as amended.

(Feb. 3 minutes - we will check to see if *Bioforum* is the only high school science elective).

Warrant #94-033 in the amount of \$156,190.35, warrant 94-034 in the amount of \$128.35, warrant 94-035 in the amount of \$190,018.63, warrant 94-036 in the amount of \$91,867.15 and payroll warrants totaling \$406,574.94 were signed by the chairperson and circulated to other members of the committee.

The chairperson reviewed the agenda items to be discussed.

PUBLIC PARTICIPATION: None

OLD BUSINESS

1. Revote FY '94 Appropriated Budget and Assessments

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the total appropriation for the Acton-Boxborough Regional School District for the fiscal year July 1, 1993 through June 30, 1994 be set at \$12,108,786 and that member towns be assessed in accordance with the terms of the Agreement and amendments thereto as follows: Acton \$7,598,097, Boxborough \$1,576,744, remainder to be accounted for by the Anticipated Chapter 70 Base Aid, in the amount of \$1,719,222, Anticipated Chapter 70 Minimum Aid in the amount of \$82,120, Anticipated Chapter 70 Choice Aid in the amount of \$11,550, Transportation Aid Chapter 71, Sec. 16C, in the amount of \$377,734, Special Education Transportation Aid in the amount of \$70,377, Anticipated Aid, Construction of School Projects in the amount of \$293,598, School Choice revenue in the amount of \$279,000, Federal Aid, P.L. 81-874 in the amount of \$5,017 and Revenue from local sources in the amount of \$95,327. (This revised budget reflects an increase of \$396,799.)

2. Revote FY '94 School Choice Budget

It was moved, seconded and unanimously

VOTED: To approved the administration's recommendation that the School Choice budget for FY'94 be set at \$672,842. (*This revised budget reflects an increase of \$31,982.*)

3. FY '95 School Choice Budget (number of students)

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the following number of Choice students may be accepted for the 1994-95 school year: grade 7, 0; grade 8, 15; grade 9, 30; grade 10, 20; grade 11, 20; grade 12, 20. The total is 105, 15 at the junior high and 90 at the high school.

Steve Aronson thinks that the comprehensiveness of the education program should be a priority over class size. Mac Reid commented that a more comprehensive program, i.e., more offerings, goes along with smaller class sizes. Linda Kroll's only concern was that we haven't had a discussion on what is the upper limit of Choice students we want to set at the high school. Bill Ryan commented that in three years it will be self limiting due to our expanding population. We will obviously have less choice revenue. Bill Noeth, High School math department chair, thought the maximum the high school could house would be 1,400 students. Although Steve Aronson commented that School Choice has been a proven value to the schools, Micki Williams and Don Wheeler said the many people in our communities do not view it as such.

4. Further Discussion of the FY'95 Appropriated Budget

It was the consensus of the Committee to approve the reallocation of \$100,000 from the regional schools' budget to the local schools, to be distributed as follows: \$82,070 to the Acton schools' and \$17,930 to the Boxborough school budget.

There was discussion about whether to transfer additional funds from E&D to further reduce the assessment. Steve Aronson suggested that the Committee not take any action now.

5. Administration of Prescription Medications Policy - SECOND READING

It was moved, seconded and unanimously

VOTED: To approve the Administration of Prescription Medications Policy as read.

6. Fundraising Procedures

This item will be discussed at the next meeting.

NEW BUSINESS

1. Approval of High School Choir Trip

It was moved, seconded and unanimously

VOTED: To approve the High School Choir trip to New York City on May 20-22.

2. Acceptance of Gift from Community Communications Committee

It was moved, seconded and

VOTED: To accept the gift of \$590.09 from the Community Communications Committee. (Vote: 7 for, 1 abstention [Williams])
The group has disbanded and is distributing its assets.

FOR YOUR INFORMATION

Dr. Zimmerman referred to:

- *The Technology Learning Center and Outreach Program* sponsored by Minuteman Tech and employing Dick Dow as coordinator.
- The new positions of Regional Department Leader and Building Department Leader have been posted in the schools.

WARRANT DISCUSSION: One question was answered by Bill Ryan.

CONCERNS OF THE COMMITTEE

- Rick Sawyer asked that the Committee be given the opportunity for feedback re: the new budget process used this year.

The meeting was adjourned at 10:30 p.m.

NEXT MEETING - March 31 - 7:00 p.m., JH Library

Respectfully submitted,

Sarah T. Lawton, Secretary

**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES**

Library
Junior High School

February 17, 1994

Members Present: Pamela Harting-Barrat, Lees Stuntz, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, Nancy Kolb, student representative - Jen Johnson, citizens and press.

The meeting was called to order at 6:05 p.m. by Pam Harting-Barrat, Regional Chairperson.

At 6:06 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:00 p.m.

PROPOSED FY95 BUDGET PRESENTATIONS

1. Athletic Budgets - Jack Schofield

Jack reviewed the three athletic accounts: 1) Athletic Appropriated Budget (funded by tax dollars) - \$199,314; 2) Athletic Revolving Account (funded by ABSAF, gate receipts and athletic activity fees) - \$168,496; 3) ABSAF Uniform and Equipment Replacement (a revolving account funded by ABSAF) - \$13,851.

2. CASE West Special Education Transportation - Pat Barry

This self-supporting program is a collaborative effort by seven member school districts, transporting special education students to 40 different locations. About one-half of the students are from Acton/Acton-Boxborough. Pat has looked into outside contractors and not one company submitted a bid for services. The program absorbs the cost of 1.25 of the 1.5 FTE school mechanics (APS/AB). The program pays rent to the school district for space. Vehicles are sometimes used for taking small groups (HS Debate Team, Math Team) to their events.

3. Pupil Services, ODP, ESL, Health, Developmental Reading - Nancy Kolb

In Special Ed, the strength of the program is dependent upon an effective link between special educators and classroom teachers. Inclusion has meant that more students are being serviced within the classroom setting. The Department of Ed. asks that SPED service a wider range of students, and it requires more behavior modification, etc. More "regular" students are in the program than ever before. Counselors visit classrooms to present sessions on developmental education (managing conflict, diversity). The ESL program services about 60 students in the two districts. Nancy referred to the 1993-94 PS/SPED grants.

Don Wheeler suggested looking at having a Director of SPED position which included the Blanchard School. Bill Ryan said this would help financially, allowing for reduction of the local schools' budgets. Dr. Zimmerman commented that, by having larger class sizes, we are creating more SPED students. Steve and Lees said that it was amazing that the legal fees were low, a real indication of the competence of the staff.

4. Music - Dan Leclerc

Dan summarized the programs. The committee asked about the plans for the Director of Music position next year. Mac Reid said the administration is not yet ready to discuss specifics.

5. Physical Education - Dan Leclerc

Dan described the programs. At the junior high, ten sections of Health Education have been integrated into the curriculum. Colleen Harshbarger, new health education instructor (funded by tobacco grant), has brought new programs into the curriculum, i.e., yoga. A

wellness survey will be conducted for the entire school community. At the high school, ninth and tenth graders take P.E. every other day. Grade 9 curriculum has a "Fitness for Living" segment, including CPR, first aid, drug and alcohol avoidance, etc. Dan said there is a need to integrate nutrition into the curriculum. They are looking at new ways to utilize the pool in the program (i.e., aquacize, etc.) The high school needs a circuit training system, in order to move towards the health club model. Then partnerships could be developed with Community Ed. The problem is finding space.

6. Curriculum - Dan Leclerc

Dan referred to Dr. Zimmerman's *Interface* column in the Beacon this week about professional development, which highlighted the goals for next year: assessment- across grade level and across curriculum; strategies for meeting the needs of all students; cooperative learning, conflict resolution, project learning, grouping; diversity; learning styles; the uses of technology. Dr. Zimmerman added that this summer an R&D would be done on religious observances background/materials.

7. School Choice - Mac Reid

We have had choice students in both APS and AB for three years and have received an additional one million dollars. This year, Acton received \$350,000. We have 60 APS choice students this year, and anticipate about 42 next year. The number is dropping because of available space. Dr. Zimmerman asked the Committee to be thinking about two additions to the choice policy - the eligibility of choice siblings and children of parents who own businesses in town. At the region there are 235 (13%) choice students this year. Steve Donovan thinks the high school may be able to take more choice students next year. Don said we should be careful - choice students have caused some AB students to be displaced (rank in class, athletic teams). The perception is that we are taking all this money in, but not using it to reduce class size. Mac said that this year the junior high is spending \$142,000 in choice money for extra staff (next year - \$160,000). At the high school the figure is \$320,000 (next year - \$340,000). Pam Harting-Barrat said choice brings a good diversity to our schools. Don said the better students come here for athletics and academics and it creates an issue. Micki said it helps the kids, it brings up the average.

8. Systemwide Areas - Bill Ryan

- a. Debt Service
- b. Insurance and Unemployment - down \$72,000
- c. Pension Costs
- d. Support

9. Facilities and Transportation - Steve Desy

Maintenance - is responsible for 350,000 square feet and 62 acres. He reviewed the staffing of the department. There has been a cut of a .5FTE maintenance staff member. There have been 4,000 work orders submitted this year, 800-1,000 trucking slips. and 1300 requisitions for repairing vehicles. A crew of 4 -10 inmates from NCC provide needed services.

Transportation - Twenty-one buses are owned and maintained by the schools, covering 18 regular bus routes and transporting 1500 (max.) students daily. Due to the regular transportation needs, buses/drivers have not been available for field trip as often. (They do about seven trips/week.) A computerized mapping system for bus routes has been used this year. A four-tier (vs. three) transportation system may go into effect next year, so that new buses do not have to be purchased.

Building Operation - Steve reviewed the staffing. They have had ongoing discussion with DEP about the septic system this year. Boston Edison plan enabled us to replace lighting at no charge with subsequent energy cost savings. Boston Gas has also initiated a program. We have had \$128,000 of retrofits (APS), and additional roof insulation, all at no cost. The savings amount to \$18,000/year.

DISCUSSION OF INSTRUCTIONAL LEADERSHIP PROPOSAL

Dr. Zimmerman

reviewed the proposal which included three alternative models. All called for a regional

department leader and a building department leader, and the plans differed according to the duties of these staff members. Dr. Zimmerman asked the School Committee if they were willing to spend this amount of money to restructure the schools' curricular leadership. The funding will come from money mandated by Ed. Reform. The third model represents an additional 2.0 FTE. It can be understood as a pure addition of 2.0 staff, or if a 1.0 FTE central office position is eliminated, it would actually result in a 1.0 increase. The change was initiated last year by the need to cut costs, due to the loss of the override.

The new model attempts to provide structure to enable certain things to be done; articulation of 7-12 curriculum, continuity of program, development of consistency of philosophy. K-12 communication would continue with the establishment of a K-12 curriculum council.

The roles of both the RDL and BDL were discussed.

- Don was concerned that if we have fiscal problems in 2-3 years, would we regress? Dr. Zimmerman said we will certainly review any change in three years.
- Lees felt the model did not take into account the differences between the junior and senior high; there is twice as much management time at the junior high if the RDL is there.
- Mary Anne liked the idea of 7-12 department heads. She is concerned, however, that we are adding administrative staff, and this plan does not encourage K-12 coordination, as a central office position would. Jean agreed.
- Linda also liked the 7-12 idea, but was concerned that the RDL would probably be an excellent teacher, whose time in the classroom would become very limited by this plan. She would prefer a central office position, with the department head doing more teaching.
- Mary Anne was concerned that we are eliminating a CO position for the wrong reasons.
- Don said if we are to spend more money, we'd rather spend it on smaller class sizes.
- Steve asked for an educationally driven plan

There will be further discussion at the next school committee meeting.

BUDGET RECOMMENDATION AND VOTE

It was moved, seconded and unanimously

VOTED: To approve the administration's recommendation that the total appropriation for the Acton-Boxborough Regional School District for the fiscal year July 1, 1994 through June 30, 1995 be set at \$12,543,968 and members towns be assessed in accordance with the terms of the Agreement and amendments thereto as follows: Acton \$8,035,260, Boxborough \$1,818,309, remainder to be accounted for by the Anticipated Chapter 70 Base Aid, in the amount of \$1,801,342, Anticipated Chapter 70 Minimum Aid in the amount of \$42,775, Transportation Aid Chapter 71, Sec. 16C in the amount of \$377,734, Special Education Transportation Aid in the amount of \$70,377, Anticipated Aid, Construction of School Projects in the amount of \$293,598, Federal Aid, P.L. 81-874 in the amount of \$4,573 and Revenue from local sources in the amount of \$100,000.

NEXT MEETING: March 3 - 7:45 p.m., Junior High Library

The meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Sarah T. Lawton
Secretary pro tempore

**ACTON SCHOOL COMMITTEE
ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES**

Library
Junior High School

February 5, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens

The meeting was called to order at 8:50 a.m. by Pamela Harting-Barrat, Chairperson.

The presentations were made in the following order:

8:50 - Steve Donovan - High School Administration - in addition, issues identified to be addressed were:

- building supervision and use of building
- expectations of students
- too many classes too large
- loss of programs students want and need
- future space needs for programs and services
- needs for technology for instruction and management
- replacement/upgrade of equipment
- painting the inside and outside
- pool area, track need attention
- time for kids to be kids
- time for staff to work with each other and kids

School Committee members suggested that, in the future, there be regular updates from principals. The question was asked, How is time an issue in comprehensiveness? (Courses vs. humanism) Can we study this?

9:40 - Cliff Card - Junior High Administration - also identified issues to be addressed:

- students' contributions to the school as they learn academics and participate in other activities
- school dropped one elective
- enrollment is up in the electives because we want kids to be productive
- pass/fail in electives
- distinction between cooperative learning and cheating
- pride of production
- class sizes are up
- effects of loss of personnel on quality of education
- heterogeneous grouping
- articulation between junior and senior high school and elementary schools
- teaming for grade 8
- bring up grade 6 to make it a middle school in name as well as theory.

Support services are not a frill. Older town members don't understand this great need. If the need is not attended to in the regular budget, we pay for it as a SPED program.

10:10 - Isa Zimmerman put Revolving Accounts into context.

->

10:15 - Jack Schofield - three Athletic accounts - will return to give a different presentation

- Projected enrollment, inflation, more sports must be in the long range plan
- Relationship between appropriated budget and revolving account must be clear

Questions/comments raised by School Committee and community members:

- Who covers the cost of managing the accounts?
- Review of FY 94 Proj. Expenses column for revolving accounts; that is not the appropriate way to present income and fund balance.
- Lack of trust that we spend more in a line item than budgeted
- Highlight unexpected problems and their solution

11:00 - Sandy Wieher - Community Education Program

- Adding a separate Thursday afternoon program
- Moving to Merriam
- Would like to retain a fund balance of 10%
- Redescribe fiscal year to have a reasonable fund balance

The question was asked about whether we are looking at space for the future - Comm. Ed. needs space; schools do also.

11:55 - Art Goodall - Externship Program

- Selling this program to other schools

It was suggested that we use professional PR help to help us package why we do so well with so little appropriated budget

12:15 - Mary Branon - School Lunch Program

- Looking into a nutrient analysis program
- Survey interests and concerns of students
- In the black and will not raise rates

12:50 - Jim Chace - Graphic Arts

• Cannot cost out some of the services to students and faculty because they are services beyond production.

1:10 - Bill Noeth - Summer School Program

The School Committee agrees that we need an operating override for the local schools; no override at the regional. Three articles at the local - Merriam enterprise, early retirement incentive and Blanchard chimney repair. A member of the audience asked if the School Committee is looking at other ways than overrides to get money for the schools? This is an issue which must be addressed at the State level.

Discussion/Decision

- Present the regional budget as a B Budget to Town Meeting
- It was decided that the Superintendent would present at Town Meeting after being introduced by the chairs.

- NEXT MEETING - February 17 - 6:00 p.m., JH Library

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,
Isa Kaftal Zimmerman

**ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES**

Library
Junior High School

February 3, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz (7:25), Mary Anne Vogel, Donald Wheeler, Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, student representatives - Jill Berglind and Jennifer Wu, citizens

The meeting was called to order at 7:10 p.m. by Pamela Harting-Barrat, Chairperson.

At 7:11 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:55 p.m.

Warrant #94-029 in the amount of \$287,304.33, warrant 94-030 in the amount \$17,847.19, warrant 94-031 in the amount of \$454,176.43, warrant 94-032 in the amount of \$254,277.03, warrant 93-106 in the amount of \$3,234 and payroll warrants totaling \$794,547.53 were signed by the chairperson and circulated to other members of the committee.

The chairperson reviewed the agenda items to be discussed.

BUDGET PRESENTATIONS

Dr Zimmerman introduced the proposed FY'95 regional budget presentations. She emphasized that this budget is in draft form, i.e., a working document. Basically, the budget presented is not an expansionary budget, but just carries on what we have. Major expenditure categories are: Personnel - \$9,419,351(76.9%); Equipment - \$6,323 (.1%); Materials and supplies - \$722,631 (5.9%); Contracted Services - \$2,107,769 (17.1%). Major increases will be in SPED costs - \$138,931; Curriculum and instruction costs - \$19,768; Pension costs - \$26,805; Legal services - \$50,000.

The following departmental budgets were presented:

1. English - Neil Murphy and Nancy Nizel
 - Junior High is reinstating writing lab staffing
 - Senior High hopes to complete interdisciplinary Social Studies/English curriculum; pilot portfolio/project-based curriculum in some classes.
 - greatest concern is large class sizes
2. Social Studies - Pamela Lynn
 - Junior High is working on Authentic Assessment
 - Senior High is working on interdisciplinary curriculum with the English department
 - Both JH and SH are reading more in the curriculum - they buy used books to cut costs

3. **Foreign Language** - Joean Doherty and Dorothy Stewart
 - JH - 70% of students take a foreign language - more taking Spanish vs. French than before
 - JH - ordering new Spanish program for the fall
 - HS - 76% of students take a foreign language
 - Both JH and SH are integrating technology in curriculum - have a satellite link with classrooms in Spain
 - HS - pilot program integrating Spanish and community service
 - HS spends \$3.55/student, JH spends \$11.34/student
 - Concern: inadequate language lab
4. **Mathematics** - Bill Noeth and Rosemary Dow
 - JH - need to replace grade 8 texts, are investing in theme-based learning, portfolio assessment, telecommunication, implementing NCTM standards
 - HS - 1200/1238 students take math - spend \$4.32/student (JH spends \$7.33/student) have one class with full set of calculators - need more training time to implement calculators into curriculum.
5. **Science** - John Nacke and Bert Hubley
 - HS - *Bioforum* is only elective
 - large class sizes (8 with 30 or more students), per student cost = \$19
 - have expanded Earth Science offering
 - Science Mentoring Program offered by Carol Murphree (16 students)
 - safety is an issue with large chemistry labs
 - hope to upgrade physics, chemistry AP and Biology - use more cooperative learning techniques.
 - JH - Physics, grade 7 and chemistry, grade 8, hands-on materials used, produce a lot of own curriculum
6. **Library/Media Services** - Mary Beth Fincke, Don Gilberti, Jill Colpak
 - JH - 2 important issues - 1) science collection and former Soviet Union collection need to be updated, so need more indexing services, 2) comprehensive reading program using Accelerated Reader has stimulated reading at JH - need more materials.
 - SH - need to get automation up and running hopefully by September
 - Hope to provide CD Rom network - students are enthusiastic about electronic searching.
 - AV - provides many services to schools and town - would like to see HS wired for cable, and telephones and VCRs in each classroom.
7. **Art** - Liz Mackay
 - concerned about increased class sizes and cost of supplies
 - HS, 70 signed up and couldn't take art - not enough money

PUBLIC PARTICIPATION: Doré Hunter, selectman, asked if this was an override budget. Dr. Zimmerman said this is a maintenance budget. She was not sure if the region would need an override.

OLD BUSINESS

1. Activities Fee Policy - Second Reading

~~Any student participating in the high school marching band and/or jazz band would pay \$25/year.; family maximum: \$10/year.~~ ?

Linda Kroll and Mary Anne Vogel both expressed concern about having to pay a fee for a course, i.e., band. Perhaps transportation costs could be controlled by performing only at home games or limited away games. Jean suggested using just the word "band" (vs. marching and jazz). Micki suggested leaving it up to the band to make up the shortfall and not set a policy. Dr. Zimmerman suggested the policy be put on hold until we see what the budget situation is. Rick Sawyer suggested we do it (set a policy) now; if we put it off it may be worse. Steve was concerned about setting a precedent in the wrong direction. If there is a shortfall maybe we should cut costs vs. charging fees. Mary Anne agreed, suggesting the perhaps the athletic teams would rather look at reducing costs vs. paying a fee. Dr. Zimmerman again suggested tabling the policy discussion and all concurred. Micki suggested having a philosophical discussion at a later meeting.

The minutes of the January 6 meeting were approved as presented.

The chairperson read a letter from Nancy Tavernier, asking the School Committee to consider free passes to parents for their children's sports events.

2. Fundraising Guidelines - First Reading

- Linda Kroll suggested the policy be written with the K-12 population in mind.
- Karen Sharpe, parent, said that classroom support staff should be paid for with a pool of money. PTOs should fundraise collectively to allow for fair distribution of money. How it is spent should be decided by professionals.
- Lees commented that we cannot afford to put all this year's classroom assistants back in next year.
- Micki asked that the School Committee be given projected enrollment figures for next year and where assistants would be needed.
- Lees suggested combining #1 and #2, indicating that certified personnel and classroom support must be paid for out of funds administered by the School Committee.
- Dr. Zimmerman will revise the policy for further discussion.

NEW BUSINESS

1. Administration of Prescription Medication Policy - First Reading

This policy was discussed at the last local meeting. Corrine Orcutt would be glad to answer any questions. A vote will be taken at the March meeting.

2. Approval of Band Trip

It was moved, seconded and unanimously

VOTED: To approve the ABRHS band trip to participate in the Music Showcase Festival in Williamsburg, VA, April 29 - May 1, 1994.

FOR YOUR INFORMATION

Dr. Zimmerman referred to:

- a letter from DEP
- athletic fee proposal
- warrant article for capital items

- Health Education Survey
- *Globe* article on Worcester court case

WARRANT DISCUSSION: There was one question answered by Bill Ryan

CONCERNS OF THE COMMITTEE

- Steve Aronson - appreciated the addition of FTEs in the budget book
 - suggested we take out the column, *FY94 Projected Expenditures*
 - Acton Selectmen's meeting this week - statements made placed the schools in an "offensive position". Suggested our committee chairs take more aggressive role
- Don Wheeler - concerned that we haven't talked about the budget impact to the community other than the school community. Our whole presentation has been directed inward - How to we reach other voters?
 - Would like discussion on Saturday regarding what happens if we don't spend money allotted to the schools. Is concerned that both Acton and Boxborough are suffering financially, and would rather see the suffering shared, K-12. Suggested showing impact of large class size on students - tonight's presentations focused on teacher impact.
- Mary Anne congratulated the administration on the budget books. Dr. Zimmerman thanked the staff members who produced it.
- Bill Ryan said that we may not be allowed to use choice money to reduce the assessment.
- Rick asked why don't we include the junior high in the activities fees; Dr. Zimmerman said the cost of the program is very small.

The meeting was adjourned at 11:45 p.m.

- NEXT MEETING - February 17 - 6:00 p.m., Joint Executive Session -Room #114
- 6:15 p.m., Joint Budget Meeting - JH Library

Respectfully submitted,

Sarah T. Lawton

ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES

Library
Junior High School

January 6, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler (8:35), Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, student representatives - Whitney Barrat, Jill Berglind, Jen Johnson, Andy Popelka, Jennifer Wu, citizens and press.

The meeting was called to order at 7:35 p.m. by Pamela Harting-Barrat, Chairperson.

At 7:36 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:50 p.m.

The minutes of December 2, 1993 were approved as amended.

Warrant #94-023 in the amount of \$113,407.66, warrant #94-024 in the amount of \$136,877.89, warrant #94-025 in the amount of \$1,313.02, warrant #94-026 in the amount of \$250,043.47, warrant #94-027 in the amount of \$339,394.28, warrant #94-028 in the amount of \$159,788.07 and payroll warrants totaling \$1,232,246.03 were signed by the Chairperson and circulated to other members of the Committee.

Pam Harting-Barrat made a brief statement regarding the apparent divisiveness between the towns and schools caused by the waiver issue. She said that the School Committee members care strongly about the fiscal health of the towns in which they live. They continue to believe that an honest exchange between towns and schools is in everyone's best interest. Because this is a difficult time financially, and with the added mandates of the education reform law, it is essential that both towns and the School Committees work together. The School Committee intends to work proactively towards a productive solution for the total community.

Pam then reviewed the agenda items to be discussed during the meeting.

PUBLIC PARTICIPATION: Doré Hunter, chairperson of the Acton Board of Selectmen, presented two letters from that board to the School Committee. The first requested that the School Committee rescind the student activities fees, so that the town may qualify for a waiver from the state. The second letter requested that the Committee inform the selectmen as soon as possible of their best estimate of anticipated School Choice funds.

The board hopes the schools will send the town at least as much as this year, if not more.

OLD BUSINESS :

1) Approval of 1994-95 School Calendar

It was moved, seconded and unanimously

VOTED: To approve the 1994-95 school calendar as presented.

School will start for students on Thursday, September 8, 1994. Teachers' will meet on Wednesday, September 7. The schedule is one day later than usual, due to Rosh Hashanah.

2) Discussion of Status of Waiver

The selectmen of Acton and Boxborough have asked the School Committee to consider rescinding the student activities fees so that the towns will qualify for a waiver from the state. The Committee has been placed in a difficult position by the education reform legislation. Dr. Zimmerman felt that, even if the Committee decided to rescind the activity fees this year, they could not in good conscience promise never to institute activity fees in the future (a condition for granting the waiver). In addition, it would be very difficult to lose approximately \$130,000 (rescinding fees and paying coaches/programs already contracted/expended). Steve Aronson was concerned that the town was unfairly pitting their employees against the schools, citing the unfair financial advantage they feel the schools have been given by the reform law. The School Committee did not chose this; it has been mandated by the state, and we should not be blamed for the situation. He felt the schools have not done enough re: explaining the facts to the public. Jean Butler asked if there was enough free cash in the town budget; Dr. Zimmerman said it was her understanding (at Municipal Forum) that there was. Mary Anne Vogel thought Boxborough also had sufficient free cash. Micki Williams said people's anger should be directed more appropriately at the legislature. She felt the School Committee is elected to represent the schools and it has an obligation to provide continuity of quality education to its citizens. Lees added that our responsibility is to give a well-rounded education, which includes offering extra-curricular activities. Dr. Zimmerman said that the number of school choice students we can take will decrease next year; therefore, we will have less choice money. Steve emphasized that the new law sets the minimum amount needed to adequately educate students. It was moved, seconded and

VOTED: To reaffirm the present structure of activities fees.

(7 for, 1 against [Kroll], 1 abstention [Wheeler])

Doré asked that the School Committee discuss the School Choice question at some point. Dr. Zimmerman said they are not at a point where a decision can be made.

3) Extracurricular/Cocurricular Activities Fees Policy - First Reading

Dr. Zimmerman made two points: the notion of collecting fees from all students (i.e., universal fee) was not realistic; and the fee was not designed to cover the entire cost of the activity, just the shortfall. The three parts of the policy presented were: 1) Any student participating in the high school marching and/or regional school jazz band and/or regional small ensembles will be assessed a fee of \$50 (\$100 family max.)/year;

2) Any student participating in the elementary band will be assessed a fee of \$15 (\$60 family max.)/year; 3) Any student participating in any high school extracurricular activity to which there is a cost attached will be assessed a single fee of \$25 (\$100 family max.)/year. No student will be denied the opportunity to participate in any activity because of financial inability to pay. Student reps present asked which clubs would require a fee. Student Council members, for instance, would not pay. Advisors would be funded by the appropriated budget. Jennifer Wu was concerned that some teams, such as Debate, have entry fees, etc. that amount to students paying additional amount of money. Dr. Zimmerman said that the aim is to level out the fees; inevitably some will pay more than others. Tom Wachtell, president of ABSAF, asked that the policy be explicit, so there is no confusion. Mary Anne added that we need a system-wide definition as to what the school provides. Rick Sawyer felt the system was too complicated, and would prove to be an administrative nightmare. He suggested charging equal amounts for all activities, including athletics. Dr. Zimmerman said asking \$25 across the board would not cover costs, and a number high enough to cover would be too high. Micki thought booster groups could support students unable to pay fees and channel their fundraising in that direction. Steve said maybe we should have two universal fees; one for athletics and one for everything else. Micki asked by the next meeting that we know where athletic fees will be going next year. Further discussion will be held at the next meeting. School Committee members were asked to call Dr. Zimmerman with any suggestions.

4) Fundraising Guidelines Policy - First Reading

It was decided to discuss this policy at the January 13 Acton Public School Committee meeting, as there will be a larger audience present and it is not necessary to have the discussion twice. The policy will be presented again at the February 3 regional meeting.

5) Report of the Municipal Forum

Pam reported that the last meeting was distressing. At least one selectmen felt MF should disband; many other MF members felt it was still worthwhile. Don said this is a difficult year and the process needs more give and take. Lees would like MF to be a place for open and productive discussion. Jeff McHarg, chair of the Community Coordinating Committee, has observed several MF meetings and thought the problem is that time is spent on procedure vs. what can be accomplished. He hoped the final goal would be a united MF, so that the real issues facing the town can be addressed. Dr. Zimmerman said matters of common concern would be discussed, including the budget. There was discussion as to how much of the MF agenda would be devoted to philosophical goals vs. actual numbers/hard issues.

NEW BUSINESS:

1) Bid Award for Dump and Utility Trucks

Don Wheeler was concerned that this is a capital expenditure in the middle of the year which had not been planned for. He said our credibility suffers when this happens; we should have had a line item in the budget for repair/replacement. He agreed with the need but not the process. Steve asked if it was necessary to replace

vs. repair the trucks. Bill said that it was not cost effective to repair either truck. Responding to Steve's question as to whether we could buy plowing services from the town, Bill said they have had some discussions, but that nothing has yet worked out.

It was moved, seconded and unanimously

VOTED: To award the bid for the five-year lease purchase of a one-ton dump truck and a 3/4-ton utility truck to Commonwealth-Thomas, Inc. of New Hampshire in the amount of \$43,458.

FOR YOUR INFORMATION

- Dr. Zimmerman referred to the following personnel appointments:
 - Colleen Harshbarger as Health Education Instructor (grant-funded);
 - Rosemary Loomis as .6 Social Studies Teacher, replacing Kathy DeSisto;
 - Marjorie Tessier as Interim Junior High Vice-Principal, effective 2/14 - 6/30;
 - Lillian Ramos as Junior High Spanish teacher, substituting for Marjorie Tessier (2/14 - 6/30).
- Junior High Principal brochures and applications have been sent out; the position has been advertised in the *Boston Globe*, the *Beacon*, and local graduate schools have been informed.
- Grant Awards Update. Steve recommended that the public be made aware that these programs are funded by supplemental monies (grants) vs. appropriated budget. They represent a savings of \$387,000 to the regional schools.
- Dr. Zimmerman read her *Interface* article, published in the *Beacon* on 12/30/93, concerning the schools' religious observance policy. Based on parents' concern, Micki suggested that giving gifts to elementary school teachers be specifically addressed in the policy.
- Budget Meeting Schedule. Linda Kroll asked when Boxborough could expect its figures. Don Wheeler was concerned about how the extra money mandated by the reform legislation would be spent. Dr. Zimmerman said a proposal will be brought to the Committee at the February meeting. She anticipates that it will consist largely of items to be purchased, not personnel salaries. Responding to a question about whether there will be a technology warrant article, Dr. Zimmerman said it would not be presented at this town meeting; more planning needs to be done.

WARRANT DISCUSSION: None.

CONCERNS OF THE COMMITTEE

- Jean Butler was concerned that 9:45 p.m. was a late hour to begin the regular school Committee session on February 3.
- Steve Aronson has seen a draft copy of the minutes of the Town of Acton's Master Planning Committee, which mentions the proposed demise of said committee. He suggested the School Committee chairperson contact Anne Fanton, selectmen's representative to the committee, to express the School Committee's opinion that the annual or semi-annual meeting be held, and that we are not in favor of excluding staff from committees, i.e. our superintendent sits on all School Committee meetings.
- Steve applauded the opening remarks of the School Committee chair at the beginning of the meeting. He felt the School Committee is being torn apart in

public; we should take a proactive position, getting the facts out consistently. Pam agreed, and suggested hosting a meeting with members of town boards/committees.

- Lees Stuntz distributed a brochure about a "~~Systems Thinking and Dynamic Modeling~~" workshop to be held in Concord on June 27-29. The regional school district is one of the sponsors.
- NEXT MEETING - February 3 - 7:00 p.m., Executive Session, Room 114
- 7:45 p.m., Regular Session, JH Library
February 5 - 8:45 a.m.-1 p.m., JH Library
February 15 - 7:00 p.m., JH Library

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary

CDMenvironmental engineers, scientists,
planners, & management consultantscc: BOS
RETAIN

CAMP DRESSER & MCKEE INC.

Ten Cambridge Center
Cambridge, Massachusetts 02142
617 252-8000

June 21, 1994

Ms. Lynne Jennings
Waste Management Division
U.S. Environmental Protection Agency
Region I
90 Canal Street
Boston, Massachusetts 02114

Mr. Edmond Benoit
Regional Engineer
Bureau of Waste Site Cleanup
Massachusetts Department of
Environmental Protection
75 Grove Street
Worcester, Massachusetts 02114

Dear Ms. Jennings/Mr. Benoit:

This letter summarizes the proposed approach that Camp Dresser & McKee (CDM) has developed for the characterization of sediments in Sinking Pond at the W.R. Grace site in Acton, Massachusetts. Prior to initiating the scope of work CDM will develop a written work plan for review and approval by EPA/DEP. An outline of CDM's proposed work plan is presented as Attachment 1 to this letter.

The proposed scope of work consists of a two-phase sampling and testing program to evaluate the nature and distribution of contamination in the pond bottom sediments. During the first phase of the program a limited number of sediment samples will be collected. Sampling will be limited to areas of the pond where recent sediments would most likely settle, (i.e. 5 samples in a line from the settling area at the base of the air stripper outfall, to the deepest part of the pond). Proposed Phase I sampling locations are shown on attached Figure 1. The samples will be collected using a sediment sampler designed for sampling at the mudline. Analytic testing of the samples will be performed to evaluate the nature of possible contamination. Phase I samples will be analyzed for a wide range of compounds since the nature of sediment contamination is unknown. The Phase I results will be used to select Phase II sampling parameters. Phase I samples will be tested for the following chemical parameters:

ANALYSIS	TESTING METHOD
Volatile Organic Compounds	EPA 8240
Semi-Volatile Organic Compounds	EPA 8270
Priority Pollutant Metals	EPA 6010/7000
Poly-chlorinated bi-phenyls (PCBs) and Pesticides	EPA 8080
Cyanide	EPA 9012

Phase II analytic parameters will be selected after the Phase I results have been analyzed. If elevated levels of contaminants are detected in the Phase I samples a grid sampling program will be initiated. Samples will be collected on a grid across the pond. At this time, we anticipate the collection of approximately 20 to 25 additional sediment samples from a 100-foot grid. Sediment samples will be collected at each grid sampling location, and soil borings will be performed at four (4)

Ms. Lynne Jennings/
Mr. Edmond Benoit
June 21, 1994
Page 2

of the locations to evaluate the vertical distribution of contamination and subsurface geology. The borings will be advanced using continuous split-spoon soil sampling to a depth of five (5) feet below the pond bottom.

If elevated levels of the Phase I analytic compounds are not detected the Phase II program will include a limited number of additional samples to verify the Phase I results.

We request your comments on this conceptual approach to characterizing Sinking Pond. If the Government Parties generally agree with the conceptual approach, we will complete the detailed work plan and submit it for your review.

Very truly yours,

CAMP DRESSER & McKEE INC.



Bruce R. Conklin, P.E.
Vice President

BRC:paa

Enc.

798-142-SS-CHAR

Distribution: Lynne Jennings (4); Edmond Benoit (3)

cc: D. Halley, Acton (3)	C. Tuttle, DEP Boston (2)
R. Sullivan, GZA (1)	J. DeStefano, GZA (1)
L. Ingram, Grace (1)	S. Anderson (1)
M. Johns, Grace (1)	H. Fox, Sierra Club 1)
T. Stoneman, Canonie (1)	C. Myette, Wehran-MDEP (1)
J. Swallow, Pine & Swallow (1)	R. Eisengrein, ACES Tag Mgr. (1)
M. Moore, Concord Board of Health (1)	W. Pencola, ENSEARCH Env. Corp. (2)
W. Cheeseman, FHE (1)	M. Stoler, Grace (1)
D. Johnson, Acton (1)	J. Okun, O'Reilly & Talbot, Inc. (1)

ATTACHMENT A SINKING POND SAMPLING & ANALYSIS PLAN OUTLINE

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Analytical Testing

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4.2 Number of Samples to be Tested

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<i>Appendix A</i>	Existing Boring Logs
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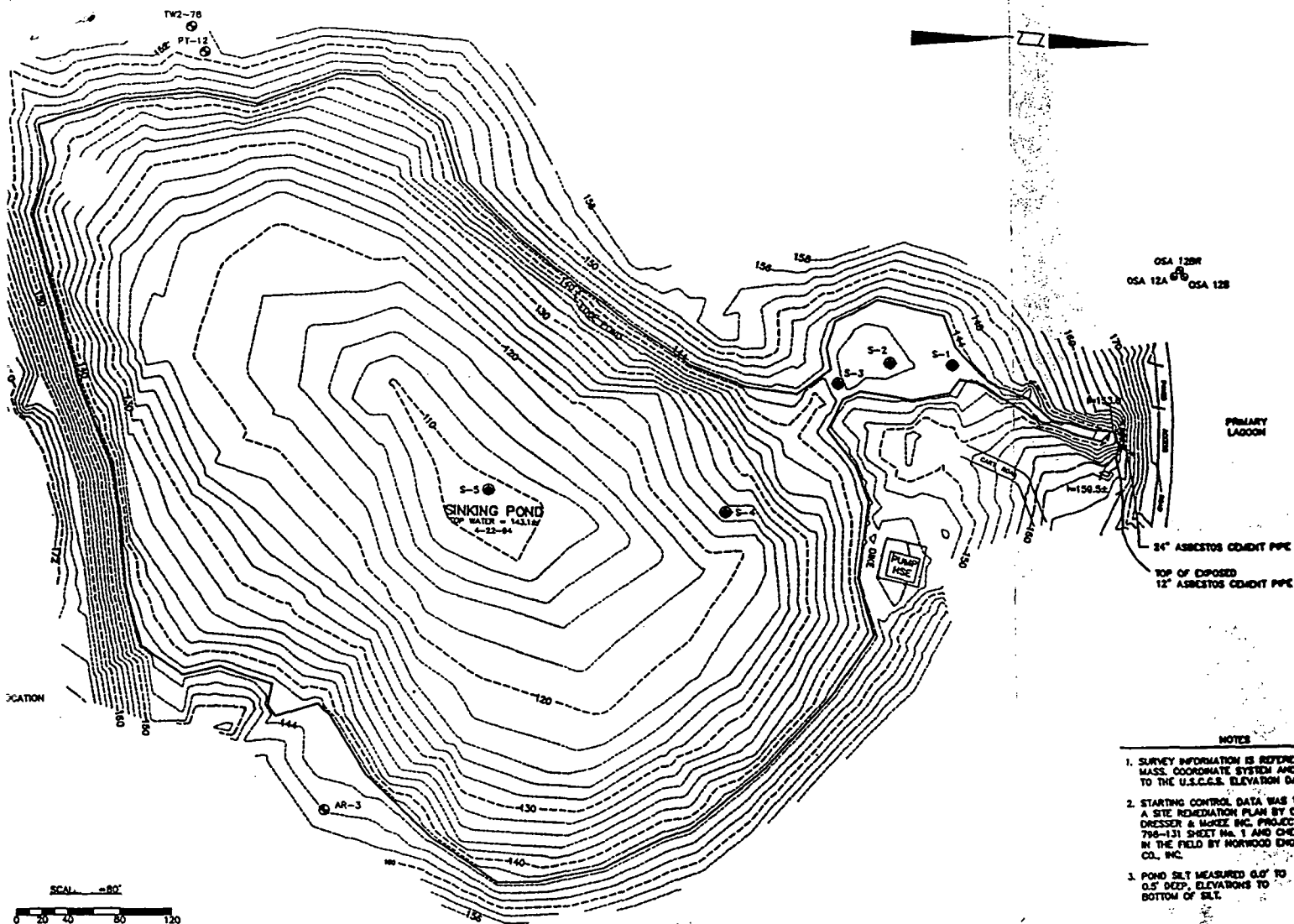
Figure

2-1	Site Locus Plan
2-2	Site Plan
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List of Tables

Table

1-1	Quality Assurance Objectives
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W.R. GRACE AND COMPANY
 PROPOSED PHASE I SEDIMENT SAMPLING LOCATIONS
 SINKING POND
 ACTION, MASSACHUSETTS

FIGUR

DRAFT SAMPLE

G.A. NICHOLAS
14 HAYWARD ROAD
ACTON, MA 01720

THE TOWN OF ACTON HAS BEEN UNABLE TO COLLECT THE FOLLOWING PERSONAL
PROPERTY TAX ACCOUNT(S) FROM YOU:

FISCAL YEAR 1993

A.C. GRAVLIN INC.	TAX	\$24.86
12 WILLOW ST	INTEREST	5.59
ACTON, MA 01720	FEES	10.00
	OTHER CHARGES	9.00
	TOTAL	\$49.45

IF YOUR BUSINESS WAS IN OPERATION AS OF JANUARY 1ST OF THE PRIOR YEAR,
THESE TAXES AND CHARGES ARE IMMEDIATELY DUE AND PAYABLE IN FULL.

YOU BELIEVE THESE TAXES WERE ASSESSED IN ERROR, PLEASE CONTACT US WITHIN
AT 1-800

YOURS TRULY

BOS: FJH

attached are personal property bills which we
have turned over to a collection agency.

NOTE TO BOS-

THIS IS THE LIST WE MENTIONED
TUESDAY EVENING.

6/24/94

Wan

TOWN CTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
ACTON ATHLETIC CLUB, INC	MARK L. SCHEIER 644 PHEASANT HILL ACTON, MA 01720	T 4/6/92	1990 1991	64.85 69.6	38.28 33.77	10 5	23	136.13 108.37
A C GRAVLIN INC 12 WILLOW ST ACTON, MA (508) 263-5213	UNKNOWN G. A. NICHOLAS 14 HAYWARD ROAD ACTON, MA 01720 (508) 263-0996		1993	24.86	5.59	10	9	49.45
ACORN TV SERVICE 385 CENTRAL ST ACTON	JOSEPH KAY 385 CENTRAL ACTON	A	1993	9.3	1.79	10	9	30.09
ACTON BOOKS	MARIE M. DORAN 9 SAMUEL PARLIN DR. ACTON, MA 01720	T 9/12/91	1991	454.49	221.39	5		680.88
ACTON CENTER REALTY 498 GREAT RD ACTON, MA 01720	UNKNOWN	N/A	1989 1990 1991 1992	100.39 119.45 128.2 175.01	76.23 74.02 62.47 59.65	10 10 5 10	23 23 9	209.62 226.47 195.67 253.66
ACTON GARDENS	LAWRENCE NICHOLS 24 CHEROKEE RD ACTON, MA 01720	N/A	1990 1991 1992	778.2 417.6 226.87	481.32 196.13 77.21	10 5 10	23 9	1292.52 618.73 323.08
ACTON MOTOR COMPANY	WILLIAM S. KENDALL, JR 58 HARRIS ST. ACTON, MA 01720	T 7/21/91	1991	37.86	19.2	5		62.06
ADVANTA LEASING CORP 138 GREAT ROAD ACTON, MA 01720	UNKNOWN	N/A	1991	26.29	13.28	5		44.57
ALLSTATE POOL SPECIALTIES 498 GREAT RD ACTON, MA 01720	UNKNOWN	N/A	1991	18.79	9.59	5		33.38

TOWN OF ACTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
ANDERSON FORD SALES, INC.	RICHARD C. ANDERSON 25 KYLEMORE DRIVE WESTFORD, MA	N/A	1991	481.41	226.16	5		712.57
			1992	729.53	248.31	10	9	996.84
CLEAN CAR CARE CENTER 10 SPRUCE ST. ACTON	WILLIAM F. WEEKS 6 HIGHLAND RD ACTON		1992	276.45	94.07	10	9	389.52
			1993	277.65	57.8	10	9	354.45
CHALA HAIR DESIGN 4 STRAWBERRY HILL RD. ACTON	UNKNOWN	N/A	1991	8.63	4.33	5		17.96
COLONIAL NAUTILUS FITNESS 9 KEEFE RD, ACTON	UNKNOWN	N/A	1991	34.8	15.87	5		55.67
CONCORD RESEARCH ASSOC.	WILLIAM F. WEEKS 6 HIGHLAND RD ACTON	T 4/13/94	1991	11.16	5.28	5		21.44
CORNERSTONE MASONRY LAST --> 15 DAMS RD KNOWN-->ACTON	PAUL M. SWEENEY, II 15 DAMS RD ACTON	X 1993	1991	20.88	10.47	5		36.35
			1992	31.33	11.19	10	9	61.52
COUNTRY COLLECTIBLES	NORMA J. BRENNAN 29 BROOK ST. HUDSON, MA	T 2/2/94	1989	16.35	11.95	10	23	61.3
			1990	38.91	24.18	10	23	96.09
			1991	41.76	21.17	5		67.93
CURIOUS LOFT	ELIZABETH L. KRAMER 7L CRESTWOOD ACTON, MA 01720	X 1991	1989	179.2	135.88	10	23	348.08
			1990	213.23	131.91	10	23	378.14
			1991	228.84	111.22	5		345.06
			1992	299.19	101.89	10	9	420.08
DEDICATED COMPUTER CORP	MARK DOYLE 3 ELM ST UNIT 7 ACTON, MA 01720	T	1991	20.88	10.47	5		36.35

TOWN OF ACTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
DEIGNAN CONSTRUCTION INC.	JOSEPH F. DEIGNAN, JR.		1989	32.7	24.88	10	23	90.58
	19 KEEFE RD		1990	38.91	24.18	10	23	96.09
	ACTON, MA 01720		1991	41.76	21.17	5		67.93
DODGE BROS ENTERPRISES	UNKNOWN		1990	38.91	24.18	10	23	96.09
			1991	20.88	10.51	5		36.39
ESTABROOK PAINTING	PETER M. SMITH	T 5/20/92	1990	19.46	11.93	10	23	64.39
	110 WINDSOR AVENUE	LAST --> 110 WINDSOR AVENUE	1991	20.88	10.51	5		36.39
ACTON	KNOWN-->ACTON							
FOLSOM'S CHOWDER HOUSE	ACTON SEAFOOD SALES, INC A		1991	46.21	23.41	5		74.62
	77 GREAT RD	LAST --> 90 LILAH LANE	1992	66.64	22.71	10	9	108.35
ACTON	KNOWN-->READING, MA							
GCS-GENERAL CONSTRUCTION	MICHAEL S. WYATT		1991	20.88	10.51	5		36.39
	667 PHEASANT HILL	LAST --> 667 PHEASANT HILL	1990	19.46	23.19	10	23	75.65
	KNOWN-->ACTON							
GRAY-KIRK CO	TODD K. SMITH	T 7/12/93	1991	20.88	10.47	5		36.35
	17 HIGHLAND							
	CONCORD, MA							
HAMLET ANTIQUES	STEPHEN DEMONT	T 1/9/93	1991	83.52	40.88	5		129.4
	68 SOUTH ST							
	CARLISLE, MA							
HAONNY CLEANING SERVICES	MARCELO ALVIMOREIRA	T 1/12/92	1990	19.46	11.93	10	23	64.39
	9 DAVIS RD A11	LAST --> 9 DAVIS RD A11	1991	20.88	10.51	5		36.39
	KNOWN-->ACTON							

TOWN CTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
HEALTH STOP 255 MAIN ST ACTON	AMBULATORY HEALTH ASSOC T 20 WILLIAM ST 135 WELLESLEY		1/11/92 1991	469.07	220.43	5		694.5
INDOOR & OUTDOOR SERVICES LAST --> 7 MAGNOLIA DR KNOWN-->ACTON	DAVID J. KINGSBURY A		1993	27.77	6.29	10	9	53.06
J&J AUTO PARTS INC 147 POWDERMILL RD ACTON	UNKNOWN		1990 1991	19.4 35.91	11.37 18.13	10 5	23	63.77 59.04
KEM CONSTRUCTION	KEITH E. MERCER 19 DAVIS RD A-9 ACTON		1990 1991	19.46 20.88	11.93 10.51	10 5	23	64.39 36.39
KIDDYTIME CORP	KIDDYTIME CORP 19 WILLOW ST NATICK, MA (617)237-3600		1991 1992 1993 1994	20.88 16.59 16.66 18.07	10.51 5.97 3.77	5 10 10 5	9 9	36.39 41.56 39.43 23.07
LET'S FACE IT 419 GREAT RD ACTON	GERALD A. SAWYER ADDRESS UNKNOWN		T 8/7/93 1991	20.88	10.47	5		36.35
M.E. ASSOCIATES	CESAR E. MARTINEZ 6 KINGMAN RD ACTON	A	1992 1993	27.65 27.77	9.88 6.29	9 10	10 9	56.53 53.06

TOWN (CT) ON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
MADDEN BUILDERS 17 DAVIS RD A2 ACTON	EDWARD C. MADDEN ADDRESS UNKNOWN 92&'93 EXCISE UNPAID & MARKED	T	5/31/93	1991 1992	16.02 31.33	7.96 11.19	5 10	28.98 61.52
MAGIC CAVE 50 SPRUCE ST ACTON	THOMAS W. MORGAN 68 CLEARINGS WAY F PRINCETON, NJ	A		1993	27.77	6.29	10	9 53.06
MANNING TREE & LANDSCAP P.O. BOX 2636 ACTON	RICHARD S. MANNING 14 WINDMERE RD ACTON	X		1993	98.1	20.44	10	9 137.54
MINUTEMAN FIREARM SALES 41 MINUTEMAN RD ACTON	SAMUAL G. SAWYER 41 MINUTEMAN RD ACTON	A		1993 1992	27.77 27.65	6.29 9.88	10 10	9 53.06 56.53
OMAN AUTOMATIVE INC 317 CENTRAL ACTON	UNKNOWN			1993 1992	11.27 11.22	2.6	10 10	9 32.87 30.22
NIMROD SPORTING GOODS 251 MAIN ST ACTON	UNKNOWN			1991	788.57	384.16	5	1177.73
NORSTAR LEASING SERVICES NAGOG MALL ACTON	UNKNOWN			1991	1122.09	546.42	5	1673.51
NU SKIN OF ACTON 39 OLD VILLAGE RD ACTON	KERRY POWER 28 HARRIS ST 2 ACTON,MA	T	7/14/93	1991 1992	20.88 28.75	10.47 10.35	5 10	36.35 58.1
PACIFICORP CREDIT INC. 360 MASS AVE ACTON	UNKNOWN			1991	53.45	26.59	5	85.04

TOWN OF ACTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
PERRY TREE & LANDSCAPE 781 MAIN ST ACTON	JOHN B. PERRY UNKNOWN	T 3/30/93	1991	69.6	33.77	5		108.37
POWERS MICHAEL - CARPENTER 517 MAIN ST ACTON	JOHN POWERS C/O ELIZABETH A. POWERS 27 BREWSTER LN ACTON		1990	19.46	11.93	10	23	64.39
			1991	20.88	10.51	5		36.39
PRIME FINANCIAL LEASING 18 N. MAIN ST ACTON	UNKNOWN		1989	122.08	92.43	10	23	247.51
			1990	145.26	89.81	10	23	268.07
			1991	120.94	55.65	5		181.59
			1992	117.95	40.1	10	9	177.05
PRO GRASS INC. PO BOX 641 ACTON, MA 11720	UNKNOWN		1990	254.73	157.7	10	23	445.43
			1991	273.39	133.04	5		411.43
PURCHASE PROMOTIONS	KERRY POWERS 28 HARRIS ST, 2 ACTON, MA	X	1991	20.88	10.51	5		36.39
			1992	38.43	13.8	10	9	71.23
RICKY'S AUTO 50 GREAT RD. ACTON	UNKNOWN		1991	90.06	43.67	5		138.73
RINCO CONTRACTORS 1 PAUL REVERE ROAD ACTON	PAUL G. MAGUIRE LAST --> 1 PAUL REVERE ROAD KNOWN-->ACTON		1989	141.16	107.05	10	23	281.21
			1990	167.96	104.01	10	23	304.97
			1991	180.26	87.85	5		273.11
RUG DOCTOR D & S DISTRIBUTORS 325 PLEASANT STREET WORCESTER, MA 01602	UNKNOWN		1991	35.5	17.87	5		58.37
SOUCY'S HEATING SERVICE 162 MAIN ST ACTON	UNKNOWN		1991	19.07	9.59	5		33.66

TOWN CTON
DELINQUENT PERSONAL PROPERTY TAX

ACCOUNT NAME	PRINCIPAL	BUSINESS CERTIFICATE	FISCAL YR	TAXES OWED	06/14/94 INTEREST	OTHER FEES	CHARGES	06/14/94 TOTAL
SUN REFINING & MARKETING 2000 W. PARK DRIVE WESTBORO, MA 01581	UNKNOWN		1993	23.75	5.35	10	9	48.1
TEDDY'S HOMEMADE ICE CREAM 100 POWDER HILL RD ACTON	UNKNOWN		1991	140.87	68.56	5		214.43
TOBIN VENDING, INC 77 HOSMER ST ACTON	UNKNOWN		1991	44.54	22.48	5		72.02
VISUAL CONCEPTS 52 MAIN ST ACTON	JAMES F. BURKE LAST --> 52 MAIN ST KNOWN-->ACTON	T 4/7/92	1991 1993	20.88 35.91	10.51	5 10	9	36.39 54.91
VERBALINK 242 PARKER ST. ACTON, MA	JOAN A. HOULIHAN 242 PARKER ST ACTON	A	1993	27.77	6.29	10	9	53.06
WHITAKER TANIA PHOTOGRAPHER 271 CENTRAL ST ACTON (508) 264-4043	GARY WHITAKER 18 MAPLE ST ACTON	N/A	1992 1993	15.2 49.05	5 11.07	0 10	0 9	20.2 79.12

18,171.61

Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

FAX (508) 264-0148

cc: BOS

COMMISSIONERS MEETING
WATER SUPPLY DISTRICT OF ACTON
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

JUNE 27, 1994

AGENDA:

7:30 P.M. CALL TO ORDER

7:31 P.M. COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING MAY 23, 1994

NEW BUSINESS

WARRANTS & COMMUNICATIONS

NEW OFFICE BUILDING

WATER MAIN BREAKS

OLD BUSINESS

LETTER ON MANAGER'S RETIREMENT

WATER WITHDRAWAL PERMIT & GROWTH DEMAND

BLOCK WATER RATES

CONANT SITE #2 - GRANITE MARKER

SALE OF LAB EQUIPMENT

WATER WORDS



897-1001

OFFICE OF THE
BOARD OF SELECTMEN
TOWN BUILDING
MAYNARD, MASSACHUSETTS 01754

June 21, 1994

Mr. Daniel Beagan
Executive Secretary
Boston Metropolitan Planning Organization
State Transportation Building
Ten Park Plaza, Suite 2150
Boston, MA 02116

Re: Proposed TIP Amendment (MHD ID:195001 & 011710)

Dear Mr. Beagan,

The Maynard Board of Selectmen are writing to express their concern that the above referenced proposed TIP Amendment may once again divert funds from the Route 27 Bridge construction in the Town of Acton.

This project has been slated for construction for years, yet continues to be delayed. Currently the Bridge holds a six ton weight limit severely limiting traffic access especially vital commercial vehicular traffic. Digital Equipment Corporation has been and will continue to be impacted by these delays. Additionally, the Town of Maynard has been providing emergency fire and ambulance coverage to South Acton due to the weight limits.

As a Board, the Selectmen strongly urge the Route 27 Bridge construction to proceed in Fiscal 95, as scheduled, and finds not be diverted once again.

Sincerely,


Michael J. Gianotis
Town Administrator

cc: Town of Acton
Senator Robert Durand
Representative Hasty Evans

MJG/je

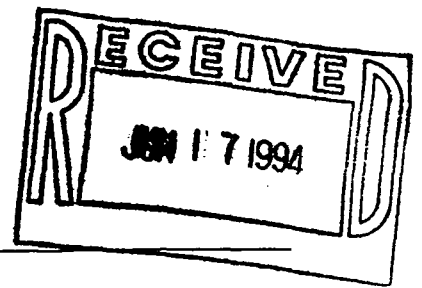
6/24/94
MIKE GIANOTIS -
THANKS FOR THE SUPPORT.
THIS PROJECT HAS CONTINUALLY
"SLIPPED" AND WE NOTE THAT THE
LATEST COMMUNICATION FROM MR.
BEAGAN HAS THE ~~STAR~~ ADVERTISING
DATE 6 MO. LATER THAN THE
TIP LISTING.

CC: BD. OF SELECTMEN

REGARDS,
DON JOHNSON

cc: BOS

**Town of Acton
Finance Committee Minutes
May 11, 1994**



Present:

Mary Donald, Sharron Gaudet, Sidney Johnston, Herman Kabakoff, Paul Kohout, Charles Olmstead, John Rogers, Dave Steinhilper, Elliott Whitney.

Minutes:

Minutes from the April 27th meeting were accepted.

Meetings:

School Committee: Mr. Kabakoff reported on the May 5th School Committee meeting.

Mail:

Mr. Olmstead's letters to Don Johnson and Isa Zimmerman dated April 29 were reviewed by the Finance Committee.

Minutes from the School Committee and the Selectman's Committee were reviewed.

A letter from Mr. Fitzgerald of Minuteman Tech requesting our support of bills H4791 and H1640 to repair certain inequities in the funding of Minuteman Tech was reviewed. The Finance Committee voted unanimously to support his request and a letter will be drafted and sent to Representative Pam Resor and Senator Robert Durand requesting their support.

Other:

The Finance Committee reviewed the recommendations of the nominating committee regarding their recommendation of officers for the coming year. Their recommendations were voted unanimously and the officers for the coming year effective June 1st are:

Chairman - John Rogers
Vice Chairman - Sharron Gaudet
Clerk - Elliott Whitney

Paul Kohout reported on his response to the request for Police Station data from the Maynard Finance Committee. Our data was too outdated for their use.

Mr. Kabakoff and Mr. Johnston brought the Committee up to date on their financial model project.

Computer study - Mr. Whitney will be working with the town on their computer study. The Committee thought it would be a good idea for the School to participate.

Next Meeting:

The next meeting will be on June 1, Room 126, Town Hall.

Adjourn:

The meeting was adjourned at 9:55.

What is ACCESSING THE FUTURE?

ACCESSING THE FUTURE is the long-range transportation plan for Massachusetts. Rather than a document that outlines every transit project, roadway segment, or bridge improvement, the Plan will identify policies, goals, and initiatives to help the Commonwealth plan for the future of its multimodal and intermodal transportation network and guide infrastructure investment decisions into the 21st century.

The policies outlined in the Plan will be used to foster the relationship between transportation facilities and economic development and to address the needs of passenger transport and freight movement, among other key issues.

ACCESSING THE FUTURE is integrally tied to ongoing local long-range planning efforts and will be coordinated with the existing transportation plans in each of the thirteen regions of the Commonwealth.

Who is responsible for preparing ACCESSING THE FUTURE?

The Executive Office of Transportation and Construction (EOTC) is the cabinet-level transportation agency that provides policy direction for the Massachusetts Highway Department, the Massachusetts Aeronautics Commission, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, and the Massachusetts Turnpike Authority. EOTC has designated its Bureau of Transportation Planning and Development (BTP&D) with the responsibility for the coordination and production of the Plan.

The purpose of the Plan is to shape a balanced transportation policy for the Commonwealth for the next 25 years. Its development involves not only state transportation agencies, but also other state agencies in areas such as economic and community development, environmental affairs, energy, and public safety. Recognizing the importance of local involvement, these state agencies will be assisted by the Massachusetts Association of Regional Planning Agencies and the Massachusetts Association of Regional Transit Authorities.

Why is this Plan being prepared?

The passage of the federal Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 mandates that each state have a long-range Statewide Transportation Plan to guide the maintenance and improvement of its surface transportation network. While transportation planning is not new to Massachusetts, ISTEA calls upon us to develop a long-range plan which takes into consideration traditional transportation concerns as well as other factors that affect, or are affected by, transportation decisions. To meet that mandate, **ACCESSING THE FUTURE** will address energy consumption, air quality benefits, social benefits, and fiscal implications, among other issues.

The intent of **ACCESSING THE FUTURE** is to engage participants in the development of policies such that subsequent projects, shown to be consistent with the Plan, receive the support essential for successful implementation.

Why is your input important?

ISTEA re-emphasizes the need for consensus-building on transportation issues and decision-making. This objective can only be achieved through an effective public participation process.

The participation of citizens, representatives of organizations, agencies, cities and towns, and the business community is critical to this process. Your comments on proposed policies as well as on information gathered on existing conditions and future trends are important and, therefore, are strongly encouraged.

Among the questions to be addressed where your comments will be most valuable are:

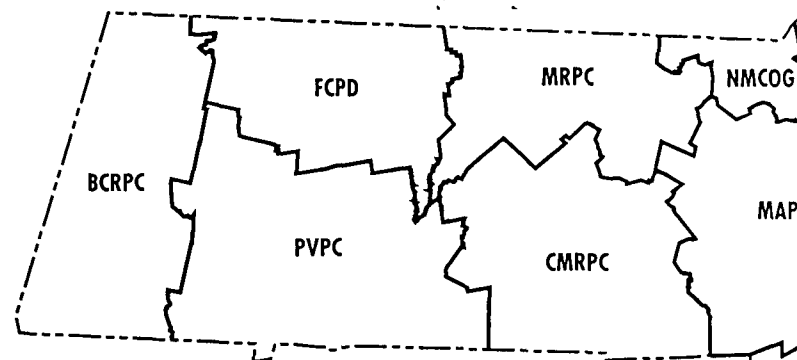
- How can we improve the transportation planning process?
- What is the best way to preserve and maintain our existing transportation network?

- What will make our transportation system more efficient?
- How can the transportation system be improved?
- How can we ensure access to transportation?
- What strategies can we use to improve transportation policy?
- How can we foster environmental protection and improve the quality of the environment?
- What are the best ways to fund transportation? To cost-effective, affordable?

How do you participate in the process?

- Make sure you are on the mailing list.
- Attend open transportation planning meetings.
- Call or write your regional planning agency.
- Read fact sheets and project descriptions.
- Attend meetings to review the Plan.
- Attend a public presentation.

To get more information or to get on a mailing list, contact the individuals below:



BTP&D	Bureau of Transportation Planning & Development • David Luce • (617) 973-7313
BCRPC	Berkshire County Regional Planning Commission • Charles Cook • (413) 442-1521
CCC	Cape Cod Commission • Robert Mumford • (508) 362-3828
CMRPC	Central Massachusetts Regional Planning Commission • Carl Hellstrom • (508) 756-7717
FCPD	Franklin County Planning Department • Dana Roscoe • (413) 774-4015
MAPC	Metropolitan Area Planning Council • Daniel Fortier • (617) 451-2770
MRPC	Montachusett Regional Planning Commission • Bradford Harris • (508) 345-7376
MVC	Martha's Vineyard Commission • David Wessling • (508) 693-3453
MVPC	Merrimac Valley Planning Commission • Anthony Komornick • (508) 374-0519
NMCOG	Northern Middlesex Council of Governments • Beverly Woods • (508) 454-8021
NPEDC	Nantucket Planning and Economic Development Commission • Elizabeth A. Giannini • (508) 228-7233
OCPC	Oakland County Planning Council • Pasquale Ciaramella • (508) 583-1833
PVPC	Plymouth Valley Planning Commission • Jeffrey Pechulis • (413) 781-6045
SRPEDD	Southeastern Regional Planning and Economic Development District • Roland Hebert • (508) 367-1367

These are the boundaries of the affiliated MAPC & MRPC.

The intent of **ACCESSING THE FUTURE** is to engage participants in the development of policies such that subsequent projects, shown to be consistent with the Plan, receive the support essential for successful implementation.

Why is your input important?

ISTEA re-emphasizes the need for consensus-building on transportation issues and decision-making. This objective can only be achieved through an effective public participation process.

The participation of citizens, representatives of organizations, agencies, cities and towns, and the business community is critical to this process. Your comments on proposed policies as well as on information gathered on existing conditions and future trends are important and, therefore, are strongly encouraged.

Among the questions to be addressed where your comments will be most valuable are:

- How can we improve the transportation planning process?
- What is the best way to preserve and maintain our existing transportation network?

- What will make our transportation system safer?
- How can the transportation system be made more efficient?
- How can we ensure accessibility for all users?
- What strategies can we use to promote economic development through transportation policy?
- How can we foster environmental sensitivity, support thoughtful land use, and improve the quality of life through transportation policy.
- What are the best ways to ensure that transportation decision-making leads to cost-effective, affordable projects and programs?

How do you participate in the process?

- Make sure you are on the mailing list of your regional planning agency.
- Attend *open* transportation advisory group meetings in your region.
- Call or write your regional contact person with comments or suggestions.
- Read fact sheets and progress bulletins that will be sent periodically.
- Attend meetings to review the Draft Plan in October 1994.
- Attend a public presentation of the Final Plan in January 1995.

To get more information or to get on a mailing list, contact the individuals below:

BTP&D Bureau of Transportation Planning & Development • David Luce • (617) 973-7313

BCRPC Berkshire County Regional Planning Commission • Charles Cook • (413) 442-1521

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MVC Martha's Vineyard Commission • David Wessling • (508) 693-3453

MVPC Merrimac Valley Planning Commission • Anthony Komornick • (508) 374-0519

NMCOG Northern Middlesex Council of Governments • Beverly Woods • (508) 454-8021

NPEDC Nantucket Planning and Economic Development Commission • Elizabeth A. Giannini • (508) 228-7233

OCPC Old Colony Planning Council • Pasquale Ciaramella • (508) 583-1833

PVPC Pioneer Valley Planning Commission • Jeffrey Pechulis • (413) 781-6045

SRPEDD Southeastern Regional Planning and Economic Development District • Roland Hebert • (508) 824-1367

These towns are affiliated with both MAPC & OCPC